

ORDINANCE NO. ORD-18-26

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SANITARY SEWER

AN ORDINANCE TO AMEND SECTIONS 2:41.2a THROUGH 2:41.2f, 2:43.1, 2:43.4, 2:44.2, 2:44.4, 2:45.2, 2:45.5, 2:47.2, 2:49.3, 2:49.5 THROUGH 2:49.8, AND 2:50.2 OF CHAPTER 28 (Sanitary Sewer) of TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Sections 2:41.2a through 2:41.2f, 2:43.1, 2:43.4, 2:44.2, 2:44.4, 2:45.2, 2:45.5, 2:47.2, 2:49.3, 2:49.5 through 2:49.8, and 2:50.2 of Chapter 28 of Title II of the Code of the City of Ann Arbor be amended to read as follows:

**2:41.2a. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

- (1) ~~Act.~~ **The term "Act"** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) **Best Management Practices - BMPs shall mean schedules of activities, prohibitions of activities, maintenance procedures, and other management actions. BMPs may include treatment requirements; operating procedures; control of site runoff, spillage or leaks; sludge or waste disposal procedures; or control of drainage from materials storage.**
- (23) ~~B.O.D.-Biochemical Oxygen Demand~~ **- B.O.D.** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.
- (34) **Building shall** means either (a) the occupiable portion of any structure isolated from other portions by means of a firewall, or, (b) when referring to a multiple dwelling unit structure: a single roofed structure supported through exterior walls, to a single integrated, tied, common foundation, except when separated by a firewall, or, (c) when referring to a single dwelling unit: a structure located upon a separate lot where all the habitable interior floor space may be accessed without going outside.

- (45) *Building sewer shall* means a completely isolated sewer extending from the public sewer to the entrance point of a building.
- (56) *Bypass* shall mean the intentional diversion of waste streams from any portion of a user's treatment facility.

### 2:41.2b. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

- (1) *Categorical pretreatment standards (also Federal categorical pretreatment standards - "FCPS")* shall mean national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties that may be discharged into a POTW by a specific category of industrial users described in those standards. Categorical pretreatment standards include the following categorical standards and those which were later promulgated by U.S. EPA, along with amendments to the existing or later promulgated EPA Effluent Guidelines and Standards for:

Dairy products (40 CFR 405)  
Grain mills (40 CFR 406)  
Canned and preserved fruits and vegetables processing (40 CFR 407)  
Canned and preserved seafood processing (40 CFR 408)  
Sugar processing (40 CFR 409)  
Textile mills (40 CFR 410)  
Cement manufacturing (40 CFR 411)  
Feedlots (40 CFR 412)  
Electroplating (40 CFR 413)  
Organic chemicals plastics, and synthetic fibers (40 CFR 414)  
Inorganic chemicals (40 CFR 415)  
Soaps and detergents (40 CFR 417)  
Fertilizer Manufacturing (40 CFR 418)  
Petroleum refining (40 CFR 419)  
Iron and steel manufacturing (40 CFR 420)  
Nonferrous metals (40 CFR 421)  
Phosphate manufacturing (40 CFR 422)  
Steam electric power generating (40 CFR 423)  
Ferroalloy manufacturing (40 CFR 424)  
Leather tanning and finishing (40 CFR 425)  
Glass manufacturing (40 CFR 426)  
Asbestos manufacturing (40 CFR 427)  
Rubber processing (40 CFR 428)  
Timber products (40 CFR 429)  
Pulp, paper and paper board (40 CFR 430)

Builders paper and board mills (40 CFR 431)  
Meat products (40 CFR 432)  
Metal finishing (40 CFR 433)  
Coal mining (40 CFR 434)  
Offshore oil and gas extraction (40 CFR 435)  
Mineral mining and processing (40 CFR 436)  
Pharmaceutical manufacturing (40 CFR 439)  
Ore mining and dressing (40 CFR 440)  
Paving and roofing materials (40 CFR 443)  
Paint formulating (40 CFR 446)  
Ink formulating (40 CFR 447)  
Gum and wood chemicals manufacturing (40 CFR 454)  
Pesticide chemicals manufacturing (40 CFR 455)  
Explosives manufacturing (40 CFR 457)  
Carbon black manufacturing (40 CFR 458)  
Photographic processing (40 CFR 459)  
Hospitals (40 CFR 460)  
Battery manufacturing point source category (40 CFR 461)  
Plastics molding and forming (40 CFR 463)  
Metal molding and casting (40 CFR 464)  
Coil coating (40 CFR 465)  
Porcelain enameling (40 CFR 466)  
Aluminum forming (40 CFR 467)  
Copper forming (40 CFR 468)  
Electrical and electronic components (40 CFR 469)  
Nonferrous metals forming and metal powders (40 CFR 471)

- (2) *CFR* shall mean the Code of Federal Regulations.
- (3) *Chlorine demand* shall mean the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period.
- (4) *City* shall mean the City of Ann Arbor.
- (5) For purposes of Chapter 28, Administrator shall mean the Administrator of the city's public services area or his/her designee or other person designated by the City Administrator to exercise control over the city collection system and the POTW treatment plant.
- (6) *Chemical oxygen demand* – C.O.D. shall mean the measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, 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 B.O.D.

- (7) *Code* shall mean the City of Ann Arbor City Code.
- (8) *Collection system* shall mean all of the sanitary sewers, lift stations, pumps, and other equipment of the city which are primarily installed to receive wastewater and pollutants directly from users for transmission to the POTW treatment plant.
- (9) *Combined sewer* shall mean any sewer receiving both storm water and wastewater.

(10) *Composite sample* shall mean a sample collected via automatic sampler over the period of discharge contained within a 24-hour period and consisting of a series of 96 aliquots taken at a rate proportional to the waste stream flow, unless an alternative sample collection technique is approved by the Administrator in accordance with section 2:43.4(3).

~~(1011)~~ *Connection* shall mean the art of connecting a service to a tee, wye, saddle, riser or stubbed lead.

~~(112)~~ *Construction* shall mean any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises, if such equipment will in any way actually or potentially affect the quality or quantity of discharges or the measurement or analysis of a discharge.

#### **2:41.2c. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

~~(1) *Daily average* shall mean the sum of the concentrations of a constituent for the measurement period divided by the number of days on which the discharge was sampled and analyzed in that period. The concentrations which are added are single numbers for single days for all days for which analyses are obtained (whether by the user or the city), but such concentrations may be based upon a sample or samples taken over either all or a part of that day and upon single or multiple analyses for that day as approved by the Administrator.~~

~~(21)~~ *Daily maximum limit* shall mean the concentration or value of a given constituent, as measured over the period of discharge during any single calendar day, which shall not be exceeded ~~on any single calendar day.~~

~~(32)~~ *Discharge* shall mean the introduction of any substance into the POTW which is either intentional or unintentional. This term also includes introduction of any substance into a natural outlet.

- (43) *Domestic user* shall mean a user that discharges only domestic wastes or wastes from sanitary conveniences.
- (54) *Existing source* shall mean any source which is not a new source as defined in subparagraph (32) of this section.
- (65) ~~Federal *Categorical categorical Pretreatment pretreatment Standards standards - FCPS* shall have the same meaning as *Categorical pretreatment standards*. See (5) "*Categorical Pretreatment Standards*."~~
- (76) *Firewall* shall mean the definition used under the most current edition of the Building Code.
- (87) *Flashpoint* shall mean the minimum temperature at which vapor combustion will spread away from its source of ignition.
- (8) *Food service establishment - FSE* shall mean any place where food or beverage is prepared and served or consumed whether fixed or mobile, with or without charge, or on or off the premises. FSEs will include but not be limited to restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores with on site food preparation, and ice cream parlors. Unless otherwise designated by the City, the following will not be considered FSEs:
- (a) private homes where food is prepared specifically for personal consumption;
- (b) locations of vending machines; or
- (c) temporary food service enterprises that operate at a fixed location for not more than 14 consecutive days in conjunction with a single event or celebration.
- (9) *Footing Drain* shall mean a pipe or conduit which is placed around the perimeter of a building foundation ~~and~~ for the purpose of admitting ground-water.
- (10) *Garbage* shall mean solid wastes from domestic and commercial preparation, cooking or dispensing of food, and from the handling, storage, or sale of produce.
- (11) *Grab sample* shall mean a sample which is collected from a discharge without regard to the flow and over a period of time not exceeding 15 minutes.
- (112) *Groundwater* shall mean water which is pumped or otherwise captured from the ground and which is not used in a process. Mere treatment of groundwater is not use in a process.

(13) Instantaneous maximum limit shall mean the concentration or value of a given constituent, as measured in any sample at any instant in time (independent of the flow rate or duration of the sampling event), which shall not be exceeded.

~~(4214)~~ *Interceptor sewer lines* shall mean those lines whose basic function is to collect wastewater from 2 or more separate trunk sewer lines and to transport such wastewater to the POTW Treatment Plant.

~~(4315)~~ *Interference* shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and,
- (ii) therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), 40 CFR 503 (Standards for the Disposal of Sewage Sludge) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

~~(4416)~~ *Lateral sewer* shall mean a public sewer intended to serve more than 1 sewer connection.

#### **2:41.2d. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

- (1) *Major user* shall mean any user of the POTW that (i) has a discharge to the POTW which averages 25,000 gallons or more per day, or (ii) is designated by the director to potentially have an adverse impact, either singly or in combination with other users, on the POTW, or to potentially violate any pretreatment standard, limit, or requirement, or (iii) is subject to a FCPS, or (iv) discharges wastewater which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW.
- (2) *MDEQ* shall mean the Department of Environmental Quality of the State of Michigan or its successor.
- (3) *mg/l* shall mean milligrams per liter.

(4) *ug/l* shall mean micrograms per liter.

(5) *Monthly average limit* shall mean the concentration or value of a given constituent, as calculated by the sum of the daily concentrations or values of that constituent sampled and analyzed during a calendar month divided by the number of days on which that constituent was sampled and analyzed during that calendar month, which shall not be exceeded.

~~(56)~~ *Natural outlet* shall mean any outlet into waters of the State of Michigan such as a pond, ditch, lake, stream, river, or ground water.

~~(67)~~ *New source*:

(a) Shall mean any building, structure, facility, or installation from which there is or may be a discharge, the construction of which began after the publication of proposed pretreatment standards under Section 307(c) of the Act which will apply to the source if the standards are later promulgated provided that:

- (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge at an existing source; or
- (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Shall mean construction on a site at which an existing source is located which results in a modification that rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (ii) or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Shall mean construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- (i) Begun, or caused to begin, as part of a continuous on-site construction program:
  - (A) Any placement, assembly, or installation of facilities or equipment; or

- (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

(78) *Non-domestic user* shall mean a user other than a domestic user.

(9) Normal domestic waste shall mean concentrations or values of pollutants at the point of discharge to the POTW that are considered to be representative of waste from domestic users. For surchargeable compatible pollutants, the following concentrations or values of pollutants in normal domestic waste shall be the threshold above which extra-strength surcharges apply pursuant to section 2:47.2

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<u>Surchargeable Pollutant</u>	<u>Surcharge Threshold Concentration (24-Hour Composite)</u>
<u>B.O.D., mg/l</u>	<u>230</u>
<u>Total S.S., mg/l</u>	<u>150</u>
<u>Total phosphorus, mg/l</u>	<u>4.9</u>
<u>Ammonia as nitrogen, mg/l*</u>	<u>25</u>

\*Where significant organic nitrogen is present in a user’s discharge, the city may at its discretion replace ammonia with TKN and apply the same surcharge threshold concentration.

(810) *NPDES permit* shall mean a permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the surface waters of the state.

**2:41.2e. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

(1) *Pass through* shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any

requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

- (2) *Person* shall mean any individual, firm, municipality, company, association, society, corporation, partnership, or group, including their officers and employees who have responsibility for or actual involvement in the matters regulated by this chapter.
- (3) *pH* shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution, measure of acidity or basicity of a solution, expressed in standard units.
- (4) *Pollutant* shall mean any material which is discharged to the POTW or is proposed for discharge to the POTW. The term also includes properties of those materials such as pH and heat.
- (5) *POTW* shall mean the treatment works, as defined by Section 212 of the Act, which are owned by the city and the collection system. The term also means the city or its authorized representative. This term includes any devices, processes, and systems used by or for the city in the storage, treatment, recycling, or reclamation of wastewater or sludge from the treatment works or the collection system.
- (6) *POTW treatment plant* shall mean the POTW exclusive of the collection system.
- (7) *Premises* shall mean each lot or parcel of land, or building, having any connection, direct or indirect, to the POTW.
- (8) *Pretreatment* shall mean the reduction of the amount of pollutants, the elimination 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 the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d) and (e) as amended.
- (9) *Pretreatment standard or requirement* shall mean any substantive or procedural requirement related to pretreatment, including but not limited to national pretreatment standards, imposed on an industrial user.
- (10) *Process waste* shall mean any water which comes into direct contact with any raw material, intermediate product, finished product, by-product, or waste product during a manufacturing or processing operation. This does not include domestic wastewater, noncontact cooling water, or boiler blowdown.
- (~~9~~11) *Public sewer* shall mean a common sewer controlled by the city.

## 2:41.2f. - Definitions.

~~Unless the context specifically indicates otherwise~~ For the purposes of this chapter, the following words and phrases ~~used in this chapter~~ shall have the meanings ~~defined below-described in this section unless the context in which they are used specifically indicates otherwise:~~

- (1) ~~“Sanitary sewer” shall~~ means a sewer which carries wastewater and to which storm water and ground water are not intentionally admitted.
- (2) ~~“Sanitary sewer capital recovery charge” shall~~ means a fee that represents the allocated capital cost of capacity of the city sanitary sewer system that serves the connection of a parcel or unit to the city sanitary sewer system and is calculated as provided in section 2:42.4 of this chapter.
- (3) ~~“Severe property damage” shall~~ means substantial physical damage to property, damage to the treatment facilities of a user which causes them to become all or partially 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.
- (4) ~~“Sewer” shall~~ means a pipe or conduit for carrying wastewater, storm water, or groundwater.
- (5) Slug discharge or slug load shall mean a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge; or any discharge which, in concentration of any given constituent or in quantity of flow, causes a temporary violation of pretreatment standards and requirements.
- (56) ~~“Source” shall~~ means any building, structure, facility, vehicle, or installation from which there is or may be a discharge to the POTW.
- (7) Special Alternative Limit – SAL shall mean a discharge limit, subject to use specific conditions and requirements, which differs from section 2:43,1(1)(w) and which the city may grant at its discretion in accordance with Section 2:43.1(6)(b).
- (68) ~~“State director” shall~~ means the *Director* of the Michigan Department of Environmental Quality or its successor.
- (79) ~~“Storm sewer” shall~~ means a sewer intended to carry only atmospheric precipitation, surface runoff, or water from footing drains, but not wastewater.
- (810) ~~“Suspended solids - S.S.” shall~~ means solids that either float on the surface of, or are in suspension in, wastewater and which can be removed by standard laboratory filtering.

- (911) ~~“Tap”~~ shall means the act of providing a point for connection of a service by means of a tee, wye or saddle.
- (4012) ~~“TKN—Total Kjeldahl Nitrogen”~~ TKN shall means the measure of the total ammonia nitrogen present in wastewater after any organic nitrogen present has been converted to ammonia nitrogen under standard digestive procedures and expressed in milligrams per liter.
- (4413) ~~“Upset”~~ shall means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards or other limits applicable to the user because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (142) ~~“U.S. EPA”~~ shall means the United States Environmental Protection Agency or its successor.
- (4315) ~~“User”~~ shall means a person who discharges into the POTW and a municipality whose collection system discharges into the POTW.
- (4416) ~~“Wastewater”~~ shall means water discharged to the POTW by a user which may or may not contain other pollutants. This term does not include storm water or ground water.

### **2:43.1. - Prohibited discharges.**

- (1) *General and local limits.* No user shall discharge, cause to be discharged, or allow to be discharged into the POTW any of the following:
- (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ATSM standard D-93-79 or D-93-80k (incorporated by reference, see 40 CFR S 260.11) or a Setaflash Closed Cup Tester, using the test method specified in ATSM Standard D-3278-78 (incorporated by reference, see 40 CFR § 260.11) and pollutants which cause an exceedance of 10% of the lower explosive limit (LEL) at any point within the POTW.
  - (b) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic health and safety problems for workers.

- (c) Pollutants which cause or may cause corrosive structural damage to the POTW or having a pH less than 5.0 standard units or more than 10.0 standard units.
- (d) Solid or viscous pollutants in amounts which could cause or do cause either obstruction to flow or interference in the POTW.
- (e) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause or may cause interference in the POTW.
- (f) Pollutants which may cause or do cause:
  - (i) Impairment of the strength or durability of structures in the POTW.
  - (ii) Restriction of hydraulic capacity of structures in the POTW.
  - (iii) Unsafe conditions to personnel in the inspection or maintenance of structures of the POTW.
  - (iv) Unsafe conditions to the general public, with respect to the collection system.
- (g) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the flow at the POTW treatment plant headworks exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the State Director, upon request of the POTW, approves alternate temperature limits.
- (h) Pollutants which cause or may cause pass through or interference.
- (i) Any pollutants which exceed the limitations set forth in a FCPS.
- (j) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or a hazard to life.
- (k) Any pollutant introducing colors not removed in the POTW treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.
- (l) Any discharge from any environmental cleanup that is regulated under the Michigan Environmental Response Act (1982 Public Act 307, as amended) unless approved by City Council.
- (m) Any non-contact cooling water, stormwater, groundwater, or surface water, unless separate POTW facilities are available and identified for the discharges or unless the Administrator gives written permission to the user for a temporary discharge of the waters based on hydraulic capacity and treatment impacts. Whether or not permission is given for a temporary

discharge and its scope and duration shall be at the sole discretion of the Administrator.

- (n) Any radioactive wastes in quantities defined by applicable state and federal regulations as harmful.
- (o) Any grease or other pollutants that will become solid or viscous at a temperature of 60 degrees Centigrade or below after being discharged into the POTW.
- (p) An insoluble substance retained by a standard No. 8 sieve or having any dimension greater than ½-inch (1.27 centimeters).
- (q) Insoluble substances having a specific gravity greater than 2.65.
- (r) Improperly shredded garbage.
- (s) Sludge, screenings or other residues which result from a treatment process unless the Administrator has determined that it is amenable to treatment by the POTW without application of unusual means or expense.
- (t) Any petroleum oil or grease, non-biodegradable cutting oil, mineral oil, whether or not the oils or grease are used oils or grease.
- (u) A 7-day average flow which exceeds 2% of the average daily influent to the entire POTW for the previous calendar year.
- (v) Wastewater causing, alone or in combination with wastewater from other users, the POTW's treatment plant effluent to fail a toxicity test, to violate its NPDES permit, or to not be compliant with its Program for Effective Residuals Management (PERM).
- (w) Unless specifically authorized by the Administrator, Discharges-discharges with pollutant concentrations greater than the following specific pollutants are prohibited:

<u>Surchargeable Pollutant</u>	Daily Maximum <u>Limit</u> (24-Hour Composite)
BOD, <u>mg/l</u>	<u>250 mg/l-1,000</u>
Total suspended solids, <u>mg/l</u>	<u>250 mg/l-1,000</u>
Total phosphorus, <u>mg/l</u>	<u>13 mg/l-20</u>
<u>GOD</u>	<u>600 mg/l</u>
<u>Ammonia nitrogen, mg/l*</u>	<u>40</u>

\*Where significant organic nitrogen is present in a user's discharge, the city may at its discretion replace ammonia with TKN and apply the same daily maximum limit.

<u>Non-surchageable Pollutant</u>	<u>Daily Maximum Limit (24-Hour Composite)</u>	<u>Daily Maximum Limit (Grab)</u>	<u>Instantaneous Maximum Limit (grabGrab)</u>
<u>Total Arsenic, mg/l</u>	<u>1.6</u>	<u>--</u>	<u>--</u>
<u>Total Beryllium, mg/l</u>	<u>0.01</u>		<u>--</u>
<u>Total Cadmium, mg/l</u>	<u>1.0</u>	<u>--</u>	<u>--</u>
<u>Chlorine demand after, 30 minutes detention time, mg/l</u>	<u>15.0</u>		<u>--</u>
<u>Total Chromium, mg/l</u>	<u>4.0</u>	<u>--</u>	<u>--</u>
<u>Total Copper, mg/l</u>	<u>4.0</u>	<u>--</u>	<u>--</u>
<u>Total Cyanide, mg/l</u>		<u>1.0*</u>	<u>--</u>
<u>Total Lead, mg/l</u>	<u>0.5</u>	<u>--</u>	<u>--</u>
<u>Total Mercury, mg/l</u>	<u>NQ**0.0002</u>	<u>NQ**</u>	<u>NQ**</u>
<u>Total Molybdenum, mg/l</u>	<u>3.7</u>	<u>--</u>	<u>--</u>
<u>Total Nickel, mg/l</u>	<u>3.0</u>	<u>--</u>	<u>--</u>
<u>Total Phenols, mg/l</u>	<u>0.5*</u>		<u>--</u>
<u>Total Selenium, mg/l</u>	<u>1.1</u>	<u>--</u>	<u>--</u>
<u>Total Silver, mg/l</u>	<u>0.24</u>	<u>--</u>	<u>--</u>
<u>Total Zinc, mg/l</u>	<u>3.0</u>	<u>--</u>	<u>--</u>
<u>Fats, oil &amp; grease Grease, mg/l**</u>	<u>--</u>	<u>100*</u>	<u>--50 mg/l*</u>

\* Based on daily mean calculated from a minimum of 4 appropriately spaced grab samples in lieu of 24-hour composite.

\*\* Solvent extractable.

\* Grab samples shall be used for total cyanide and fats, oil & grease. At the Administrator's discretion, these limits may be applied to single grab samples or to multiple grab samples collected over a 24-hour period and composited in the field or in the laboratory prior to analysis.

\*\* NQ indicates non-quantifiable, which means below the level of quantification (LOQ). Unless specified otherwise by the Administrator, the LOQ shall be 0.0002 mg/l which corresponds to testing with U.S. EPA Method 245.1. This LOQ may be adjusted by the Administrator on a case-

by-case basis where there is laboratory-demonstrated sample matrix interference. Where deemed necessary to meet requirements of the city's Mercury Pollutant Minimization Program, the Administrator may specify a limit lower than the LOQ of 0.0002 mg/l and require low-level mercury testing with U.S. EPA Method 1631. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall correspond to the required EPA test method.

Discharge of mercury above the LOQ of 0.0002 mg/l is prohibited, except as specifically approved and permitted by the Administrator subject to the following conditions:

- (i) The discharger shall have a city-accessible point for monitoring the net nondomestic effluent. All costs for installation of this monitoring point shall be the discharger's responsibility.
- (ii) The discharger shall routinely self-monitor its effluent for mercury using a representative sample collected over the period of normal discharge, tests conducted in accordance with the U.S. EPA method required by the administrator, and at a frequency required by the Administrator. While the discharger may contract with the city or an outside consultant/laboratory to conduct this sampling and analytical testing, all associated costs shall be the discharger's responsibility.
- (iii) At its discretion, the city may collect additional samples from the discharger. If the discharger uses an outside consultant/laboratory to perform the self-monitoring, the city will perform a surveillance sampling at least annually. If the city is contracted to perform the self-monitoring, this annual surveillance requirement will be waived.
- (iv) The discharger shall develop and implement a pollutant minimization program (PMP) to establish actions and schedule commitments for reducing mercury entering the collection system. A PMP plan, which the discharger shall submit to the Administrator for review and concurrence, shall address the following at a minimum: treatment system for removal of mercury from the discharged wastewater; written procedures for disposal of mercury-contaminated wastes; new employee training and refresher training for current employees; review, and elimination where feasible, of purchased materials containing mercury; and other activities deemed appropriate by the discharger or the Administrator.

Failure to comply with all above conditions may result in revocation of the approval to discharge mercury above the LOQ of 0.0002 mg/l and subject the user to escalated enforcement response including fines, legal action, and termination of sewer services.

- (2) *Trucked wastes.* No wastes or wastewater shall be discharged by any user or person into the POTW from a vehicle which transported the waste or wastewater to the point of discharge, unless the discharge is approved in writing prior to the discharge by the Administrator. No wastes or wastewater shall be discharged by any user if the waste or wastewater was at any time transported by a vehicle (such as a tank truck) from its point of generation prior to discharge to the POTW, unless the discharge is approved in writing prior to the discharge by the Administrator. The Administrator shall specify which location must be used and any other terms and conditions for the discharges, including a requirement for a use permit.
- (3) *Categorical pretreatment standards.* A user shall comply with all categorical pretreatment standards and any other pretreatment requirements established under 307(b), 307(c), or 402(b)(8) of the Act that are applicable to that user. If a categorical pretreatment standard and another limit contained in this chapter or in an applicable State of Michigan pretreatment requirement regulate the same pollutant, then the more restrictive of them shall apply.
- (4) *Future conditions.* Future conditions imposed on the city by government agencies with proper jurisdiction may require subsequent amendment of this chapter by the city. Where federal or state law or regulations require limits on parameters not covered in this chapter or an effective use permit or limits more stringent than those specified in this chapter or an effective use permit, the state or federal limits shall have precedence and take effect with respect to the applicable user on the later of: (i) the effective date of the federal or state limit, or (ii) the date specified for compliance with the limit.
- (5) *Slug discharge*
  - (a) The Administrator may, by written notice to a user, require that the user prepare and implement a slug control plan. The plan shall be submitted to the Administrator for approval as specified in the written notice. The plan shall contain at least the following:
    - (a) A description of discharge practices including non-routine batch discharges;
    - (b) A description of stored materials;
    - (c) Procedures for immediately notifying the Administrator of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within 5 days;
    - (d) Procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants

(including solvents), and/or measures and equipment for emergency response.

(b) Each new major user, within one year of being designated as such, will be evaluated by the Administrator for the need for a slug control plan. The Administrator will reevaluate, at least once every two years, existing major users which are not required to have a slug control plan.

(6) *Special agreements.*

(a) Nothing in this section shall be construed as preventing a special agreement between the city and any user, which may be in the form of a use permit, whereby wastewater otherwise prohibited by this section is accepted into the POTW and other special arrangements are made between the city and any user. The special arrangements may include, but are not limited to, pollutant concentration discharge limitations different than those provided in this section. The city shall consider the treatment capacity and treatment capabilities of the POTW in developing discharge limitations for a special agreement. Pollutant concentration discharge limits shall not violate limits specified in federal categorical pretreatment standards. The city shall not be obligated to enter into a special agreement but may do so in its sole discretion. A special agreement shall not create any vested rights or property rights for the user. A special agreement shall not create rights to discharge to the POTW which the user would not have in the absence of a special agreement. The special agreement may be terminated or modified at will by the city. Provisions relating to termination or modification of a special agreement may be more fully set forth in the special agreement. As a condition to the issuance of or entry into a special agreement, the city shall require the user to sign an acknowledgement and acceptance of the provisions of this subsection. The agreement or arrangement may contain provisions for the user to pay a surcharge to the city. A violation of the terms of any special agreement shall be a violation of this chapter.

(b) *Special Alternative Limits.* For a user discharge that would otherwise be prohibited by section 2:43.1(1)(w), the Administrator may grant a SAL for any pollutant regulated therein as a condition of a use permit or order. All SALs shall be subject to the following requirements:

(i) SALs shall only be assigned in accordance with specific procedures established by the Administrator and approved by the MDEQ;

(ii) The combined mass of a pollutant allocated to domestic users and nondomestic sources including permitted users, trucked wastes, and all SALs, shall not exceed the corresponding maximum allowable headworks loading ("MAHL") as established by the most recent MDEQ-approved headworks loading study;

- (iii) The combined mass of a pollutant allocated to nondomestic sources including permitted users, trucked wastes, and all SALs, shall not exceed the corresponding maximum allowable industrial loading (“MAIL”) as established by the most recent MDEQ-approved headworks loading study; and
    - (iv) The pollutant concentration of a SAL shall not exceed the corresponding collection system limitation (“CSL”), where applicable, as established by the most recent MDEQ-approved headworks loading study.
  - (c) *Local Initiative Limits.* The Administrator may, in a use permit or order, impose a local initiative limit (“LIL”) for any pollutant not specifically regulated in section 2:43.1(1)(w). Determination of a LIL concentration or value will consider the acceptable discharge level of said pollutant based on current discharges from other users, current influent loading, treatment plant design, treatability considerations, potential for pass-through or interference, potential for fire/explosion or fume toxicity, potential for adverse impact to the collection system, and other factors as deemed relevant by the Administrator. Any LIL may be subject to MDEQ review and concurrence before implementation.
- (7) *Reserved right of revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.
- (8) *Best Management Practices.* The Administrator may require a user to implement BMPs or other pollution control activities to ensure compliance with pollutant prohibitions and limitations. Such BMPs or other pollution control activities shall be considered enforceable pretreatment standards or requirements.
- (9) *Grease, oil, and sand interceptors*
  - (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Administrator, they are necessary for protecting the public sewer against wastewaters containing fats, oils, greases, sand, or similar materials in excessive amounts. Notwithstanding the foregoing, interceptors shall not be required for private living quarters or dwelling units.
  - (b) All grease, oil and sand interceptors shall comply with the following general requirements:
    - (i) Be of a design, type, and capacity approvable by the Administrator.
    - (ii) Located so as to be readily accessible for cleaning and inspection.
    - (iii) Maintained in continuously efficient operation at all times by the owner of the building or premises from which such wastewaters emanate, or his authorized representative, at the expense of the owner.

(c) *Food Service Establishments.* Special FSE discharge permits may be issued when, in the opinion of the Administrator, it is necessary to prevent adverse effects on the public sewer. All permitted FSEs shall install, operate, and maintain an outdoor grease interceptor, unless the Administrator determines that an outdoor grease interceptor is not feasible and authorizes the installation of an alternate grease control technology. The FSE bears the burden of demonstrating to the Administrator's satisfaction that an outdoor grease interceptor is not feasible. A special FSE permit may, at the Administrator's discretion, include user-specific conditions such as interceptor inspection and pump-put frequencies that are more or less stringent than specified herein. Requirements for permitted FSEs shall be as follows:

- (i) Any user which is already discharging to the POTW upon adoption of this provision and is issued a special FSE discharge permit will be notified in writing by the Administrator of their obligation to install an outside grease interceptor within a period of time specified by the Administrator, or demonstrate to the Administrator's satisfaction that an outdoor grease interceptor is not feasible.
- (ii) Any user which is initiating discharge to the POTW after adoption of this provision and which the Administrator determines will be issued a special FSE discharge permit shall submit the design for an outdoor grease interceptor to the Administrator for approval prior to installation, or demonstrate to the Administrator's satisfaction that an outdoor grease interceptor is not feasible.
- (iii) All newly installed outdoor grease interceptors for permitted FSEs shall comply with the following requirements:
  - A. Shall have a size and installation details which conform to the current edition of the plumbing code used by the Administrator.
  - B. Shall have two in-series compartments, with a total retention time of at least 30 minutes at maximum flow and fittings designed for grease retention.
  - C. Shall have access manholes, with a minimum diameter of 24 inches, for each chamber and directly over the corresponding sanitary tee. Access manholes shall extend at least to finished grade, be designed and maintained to prevent water inflow or infiltration, and have readily removable covers to facilitate inspection, grease removal, and sampling.
  - D. Shall be located so as to be easily accessible for inspection, cleaning, and removal of intercepted grease, but not where any food is handled.
  - E. Shall not be connected to any sanitary drainage lines or services without specific authorization from the Administrator

- F. Shall have installation inspected and deemed acceptable by the Administrator before placing into service.
  - G. Shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could reduce the effective volume for grease and sludge accumulation.
  - H. Shall be inspected at least once per month by the owner or his authorized representative, or more often if dictated by site-specific conditions. Pump-out of accumulated grease, water, and sludge shall occur quarterly at a minimum, or more often if the combined height of floatables and settled solids exceed twenty-five percent (25%) of any interceptor compartment operating depth. Water, grease, and sludge removed during pump-out shall not be reintroduced into any portion of the building's sewer or any other drainage leading to the POTW. Interceptor pump-out shall be performed only by a licensed contractor, and the Administrator shall be notified prior to each interceptor pump-out so the operation can be witnessed if desired.
  - I. Shall have a written record of inspections, pumps-outs, and maintenance for a minimum of three (3) years. Such records shall be available for review by the Administrator during all operating hours of the establishment.
- (iv) Alternate grease control technology shall be defined as a device to trap, separate, and hold grease from wastewater and prevent it from being discharged to the POTW. Any FSE authorized by the Administrator to use alternate grease control technology shall employ kitchen-related BMPs to minimize grease loadings to the drain.
- (v) If the alternate grease control technology is an indoor grease trap, the following requirements shall apply:
- A. Shall have a size and installation details which conform to the current edition of the plumbing code used by the Administrator.
  - B. Shall be of a design, type, and capacity approvable by the Administrator.
  - C. Shall be installed in all waste lines from sinks, drains, and other fixtures or equipment where grease may be introduced to the sewer.
  - D. Shall not be connected to any discharge line or drainage fixture, including hand sinks and dishwashers, containing water in excess of one hundred-forty (140) degrees Fahrenheit (60 °C).
  - F. Shall be inspected and deemed acceptable by the Administrator before placing into service.

- G. Shall be maintained in efficient operating condition at all times by removal of the accumulated grease.
  - H. Shall never be operated without the flow restrictor supplied by the unit's manufacturer.
  - I. Shall be inspected weekly at a minimum, or more often if dictated by site-specific conditions.
  - J. Shall have accumulated grease removed in an appropriate manner, and not be re-introduced into any portion of the building's sewer or any other drainage leading to the POTW.
  - (vi) If the alternate grease control technology is other than an indoor grease trap, the FSE shall submit design plans, installation details, and operation and maintenance procedures to the Administrator for review and concurrence.
- (d) Without specific authorization of the Administrator, no biological/chemical additives may be used for remediation, emulsification, or as a maintenance supplement for any outdoor grease interceptor or alternate grease control technology including indoor grease traps. Such biological/chemical additives include but are not limited to enzymes, bacteria, solvents, and drain cleaners.

#### **2:43.4. - Wastewater sampling and analyses.**

- (1) The prohibitions and restrictions in section 2:43.1, or as set forth in a special agreement (which may be a use permit), shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the POTW and required pretreatment shall be effected before that point is reached.
- (2) All measurements, tests, and analyses of the characteristics of the discharge shall be determined in accordance with ~~the current edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, most current American Society for Testing Materials (ASTM), and U.S. E-P-A approved procedures contained in 40 CFR, Part 136, or, any validated methods from recognized authority~~ in cases where the ~~above referenced U.S. EPA approved~~ procedures are not available or do not apply to ~~the a particular characteristic involved, or another method accepted by the city by alternate methods validated by a recognized authority and approved by the Administrator.~~
- (3) Grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional sampling techniques, unless the Administrator authorizes an alternative sampling technique such as 24-hour composite samples obtained through time-based sampling techniques or compositing of multiple grab samples collected during a 24-hour period. Where an alternative sampling technique is authorized by the Administrator, the samples must be representative of the discharge. Justification for an alternative sampling

~~technique shall be provided by the user and documented in the POTW's file for that user. Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: in the field or in the laboratory for cyanide, total phenols, and sulfides; in the laboratory for oil and grease and volatile organics; as authorized by the Administrator for other parameters. Sampling for daily average shall be 24-hour flow proportioned composite samples except that a minimum of 4 grab samples shall be taken in lieu of a 24-hour flow proportioned composite sample for a single day for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of 4 grab samples may be used in lieu of the flow proportioned composite samples if the user demonstrates to the Administrator that representative samples will be obtained.~~

- (4) ~~For users subject to a FCPS, sampling required for baseline monitoring and 90-day compliance reports shall use a minimum of 4 grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds, as applicable, where historical sampling data do not exist. Where historical sampling data do exist, the Administrator may establish an alternative minimum number of grab samples. For other reports required by this chapter, the number of required grab samples shall be as established by the Administrator. Sampling for daily maximum shall be a 24-hour flow proportioned composite sample except that a minimum of 4 grab samples shall be taken in lieu of a 24-hour flow proportioned composite sample for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of 4 grab samples may be used in lieu of the flow proportioned composite samples if the user demonstrates to the Administrator that a representative sample will be obtained.~~
- (5) ~~If a user monitors any pollutant more frequently than required using procedures contained in this section, such results shall be reported to the Administrator. If sampling performed by an industrial user indicates a violation the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days of becoming aware of the violation, except the industrial user is not required to resample if:~~
- ~~(a) — The POTW performs sampling at the industrial user at a frequency of at least once per month; or~~
- ~~(b) — The POTW perform sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.~~

#### **2:44.2. - Surveillance report required.**

The Administrator, by written order, may require any non-domestic user to submit periodic reports in a format specified by the city which shall include information on the quality and quantity of wastewater and pollutants discharged into the POTW. The report shall include the volume of wastewater and concentration of pollutants, and be related to pretreatment standards as shall be required by the Administrator. In cases where a BMP or other pollution control activity is required, the report shall include sufficient documentation for the Administrator to determine compliance.

The names of all person(s) responsible for operating and maintaining any pretreatment equipment or pretreatment processes, or responsible for wastewater management at the user's facilities shall be listed in the report with a brief description of each person's duties. The Administrator may also require additional information from users as to materials or substances which may be discharged to the POTW.

- (1) *Mandatory report.* The Administrator shall notify each major user that it is required to file surveillance reports.
- (2) *Initial report.* Each non-domestic user which has been notified of its obligation to file surveillance reports shall file an initial report within 60 days from the date the notice is served upon the user.
- (3) *Monthly reports.* Each non-domestic user so notified by the Administrator may be required to file monthly surveillance reports by the 15th day of the following month for the preceding month.
- (4) *Quarterly reports.* Each non-domestic user required to submit quarterly surveillance reports shall submit the same before January 31, April 30, July 31, and October 31 of each year for the quarter ending on the last day of the preceding month.
- (5) *Semi-annual reports.* Each non-domestic user required to submit semi-annual surveillance reports shall submit the same in June and December each year, for the preceding 6 calendar months.
- (6) *Special reports.* A non-domestic user may be required to submit special reports with conditions as defined by the Administrator.
- (7) *Report on changed discharge.* Each non-domestic user shall promptly notify the Administrator in advance of any substantial change in the volume or character of pollutants in its discharge, including the hazardous wastes for which the non-domestic user has submitted an initial notification under section 2:44.5, and of any changes at its facility affecting the potential for a slug discharge.
- (8) *Signature on reports.* ~~The surveillance reports referred to in this section shall be signed as follows~~ All reports referred to in this section shall be signed by an

authorized representative of the user submitting the reports, which shall mean the following:

- (a) ~~By a responsible corporate officer, if the user submitting the reports is a corporation. A responsible corporate officer means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of 1 or more manufacturing, production, or operation facilities employing more than 250 persons, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. By a principal executive officer of at least the level of vice president if the user submitting the reports is a corporation;~~
  - (b) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship respectively.;
  - (c) By a director or highest official appointed to oversee the operation of the facility if the user submitting the reports is a government facility; or
  - (ed) By an authorized ~~designee~~representative of the individual designated in paragraph (a) or (b) if:
    - (i) The authorization is made in writing by the individual described in paragraph (a), or (b), or (c);
    - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
    - (iii) The written authorization is submitted to the Administrator.
  - ~~(de)~~ If an authorization under (ed) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of (ed) must be submitted to the Administrator prior to or together with any reports signed by the newly an-authorized designeerepresentative.
- (9) Any person signing a report or an application submitted due to this chapter shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those

persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

#### **2:44.4. - Notice of exceedance discharges.**

- (1) *Oral Notification.* All non-domestic users shall orally report to the Administrator, within 24 hours of becoming aware, of any discharges, whether intentional, accidental, or otherwise, which are known or reasonably suspected to exceed any limits established by this chapter, in a use permit, in any other special agreement, in a FCPS, or in any other applicable law or regulation. The user shall also perform repeat sampling in accordance with requirements of Section 2:43.4(5) of this chapter.
- (2) *5-day Follow-up Report.* All users who have provided an oral exceedance notification shall, within 5 days of initially becoming aware of the exceedance, provide a follow-up report in writing to the Administrator. This report shall repeat information provided in the initial notification and provide additional details regarding the discharge including volume, duration, constituents, concentrations, loadings, cause, actions taken or to be taken to prevent future exceedances, and other relevant information as available.
- (3) *Advance Exceedance Notification.* Whenever possible, users shall provide advance notification to the Administrator of any discharge that may exceed limits established by this chapter, in a use permit, in any other special agreement, in a FCPS, or in any other applicable law or regulation. This report shall provide details regarding the discharge including volume, duration, constituents, concentrations, loadings, cause, actions taken or to be taken to prevent future exceedances, and other relevant information as may be necessary for the Administrator to determine what impact the discharge may have on the POTW.

~~All non-domestic users shall orally report to the Administrator as soon as possible any discharges, whether intentional, accidental, or otherwise, which are known or reasonably suspected to exceed the limits established by this chapter, in a use permit, in any other special agreement, in a FCPS, or in any other applicable law or regulation.~~

~~(1) *Notice.* Notice shall be given in advance whenever possible and contain available information regarding the discharge, volume, duration, constituents, cause, loading and concentrations, actions taken or to be taken to prevent future exceedances, and other available information as may be necessary to determine what impact the discharge may have on the POTW. The user shall provide a follow-up notice in writing within 5 days of the oral notice which contains the information provided orally and other relevant information as noted in the preceding sentence.~~

~~(2) — Posting of permit and notice of exceedance information. All non-domestic users shall post a clearly legible set of instructions in the area where the user manages wastewater so that the report and notice requirements of this section are made known and are available to the user's employees. A user shall also post the user's permit along with these instructions if the user holds a permit. A user shall instruct its employees who have wastewater responsibilities on the reporting and notice requirements of this section so that they are familiar with them.~~

#### **2:45.2. - Permit issuance (major users).**

The Administrator shall evaluate the application and data furnished by the user and may require additional information from the user to complete the application. Any user whose discharge exceeds any compatible or toxic pollutant concentration which is representative of normal domestic waste as established in this chapter or as otherwise determined by the Administrator, may be designated as having a potentially adverse impact on the POTW and thereby a major user. Within 120 days after the submission of a complete application, the Administrator shall make a determination as to whether the applicant is a major user.

The Administrator shall notify the applicant if the Administrator determines the applicant is not a major user. For a major user, the Administrator shall issue or deny a permit subject to terms and conditions of this chapter.

#### **2:45.5. - Permit conditions.**

(1) User permit will specify the following:

- ~~(1a)~~ Statement of duration (no more than 5 years).
- ~~(2b)~~ Statement regarding transfer ability.
- ~~(3c)~~ Statement of applicable civil and criminal penalties for violation of discharge limitations, pre-treatment requirements, and compliance schedules.
- ~~(4d)~~ Effluent limits.
- ~~(5e)~~ Self-monitoring, sampling, reporting, modification and record keeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency and sample type.

(2) User permits may specify any or all of the following if determined to be applicable by the city:

- ~~(1a)~~ Schedule of fees and charges.

- (2b) Limits on the average and maximum wastewater constituents and characteristics.
- (3c) Limits on average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.
- (4d) Requirements for installation and maintenance of inspection and sampling facilities.
- (5e) Requirements for installation and operation of discharge flow monitors.
- (6f) Special conditions as the Administrator may require under particular circumstances for a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.
- (7g) Compliance schedules.
- (8h) Requirements for submission of special technical reports or discharge reports where different from those prescribed by this chapter.
- (9i) Requirement for notification to the city of a discharge which exceeds a limit in the permit, of changes in the discharge which result in the discharge of a pollutant not described in the permit application, or in amounts in excess of the maximum described in the permit application.
- ~~(10) Requirements for installation and operation of discharge flow monitors.~~
- ~~(11) Special conditions as the Administrator may require under particular circumstances for a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.~~
- ~~(12) Compliance schedules.~~
- ~~(13) Requirements for submission of special technical reports or discharge reports where different from those prescribed by this chapter.~~
- ~~(14) Requirement for notification to the city of a discharge which exceeds a limit in the permit, of changes in the discharge which result in the discharge of a pollutant not described in the permit application, or in amounts in excess of the maximum described in the permit application.~~
- (j) Requirements for notification of slug discharges, and requirements to control slug discharges if determined by the Administrator to be necessary.

- (k) BMPs or other requirements for implementation of pollution control activities, prohibition of specific activities, maintenance procedures, and other management actions.
- (15) Other conditions, as determined by the Administrator, necessary to assure compliance with this chapter and other applicable laws.
- (3) Posting of notification requirements. All permitted users, and other nondomestic users where so directed by the Administrator, shall post a clearly legible set of notice and reporting instructions in the area where wastewater is managed to ensure that these requirements are made known and available to the user's employees. Such users shall provide initial training, and at least annual refresher training, on these requirements for any employee who have or may have responsibilities relating to wastewater discharge.
- (4) Posting of use permit. All permitted users shall post a copy of the current permit in the area where wastewater is managed.

#### **2:47.2. - Surcharges.**

- ~~(1) — Users exceeding either:~~
  - ~~(a) — The limitations established by section 2:43.1 where no order or permit has been issued to that user; or~~
  - ~~(b) — The limits contained in a pretreatment order or use permit applicable to that user or both, shall be subject to the imposition of 1 or more surcharges as provided by this section.~~
- (1) A user whose discharge exceeds any surchargeable compatible pollutant concentration considered to be representative of normal domestic waste, as established in this chapter or otherwise determined by the Administrator, shall be subject to the imposition of one or more extra-strength surcharges. A user who has been granted a SAL for any surchargeable compatible pollutant in accordance with section 2:43.1(b)(6) may, at the Administrator's discretion, be subject to extra strength surcharges based on the SAL in lieu of the discharge concentration.
- (2) A user subject to a surcharge shall reimburse the city for any costs or expenses (direct or indirect) which the city may incur in handling or treating the discharge (or which may be imposed upon the city) where the exceedance of limits causes or contributes to the costs or expenses.
- (3) The amount of the surcharge may be based upon 1 or more of the following:
  - (a) The volume of the discharge.

- (b) The length of time the discharge occurred.
  - (c) The composition of the discharge.
  - (d) The nature, extent, and degree of success the POTW may achieve in minimizing or mitigating the effect of the discharge.
  - (e) The toxicity, degradability, treatability, and dispersal characteristics of the discharges.
  - (f) Costs incurred by the city to treat the discharges, including operation and maintenance, capital costs, replacement costs, and sludge handling and disposal costs.
  - (g) Fines and penalties imposed on the city. The surcharge may also include the city's costs of defense (including actual attorneys' fees consultant fees, and sampling and analytical of actions brought or threatened against the city by the state or federal government or third parties.
  - (h) Any damages to the POTW or damages imposed upon the city by the state or federal government or third parties.
  - (i) Any other factors as the Administrator deems appropriate under the circumstances.
- (4) The Administrator shall calculate the amount of the surcharge to be assessed against the user. The Administrator may waive a de minimus surcharge.

**2:49.3. - ~~Administrative Civil Penalties Enforcement; civil infractions.~~**

~~Any user violating this chapter, a use permit, or a final order is subject to an administrative civil penalty to be determined and assessed by the Administrator not to exceed \$500.00 per day per violation. The Administrator, in calculating the amount of the penalty, shall consider the frequency of violations by the user, the impact of the violation on the POTW and human health and the environment, the magnitude of the violation, and other factors believed appropriate by the Administrator.~~

~~The Administrator is authorized to issue a municipal civil infraction citation for any violation of this chapter or a use permit or a final order, and seek civil penalties of at least \$1,000.00 for each violation. Each act or violation and every day upon which any violation shall occur shall constitute a separate civil infraction.~~

**2:49.5. - Civil judicial relief.**

The Administrator is hereby empowered, with the city attorney, to institute legal proceedings in a court of competent jurisdiction for the abatement of any nuisance, and to seek relief for violations of this chapter, a use permit, or a final order. The Administrator

may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief as a court may order. The Administrator may also seek collection of compensatory charges, surcharges and penalties which the user has not paid. The Administrator, with the city attorney, may seek other relief, including non-judicial relief.

**2:49.6 – Compensatory charges ~~Judicial civil penalties.~~**

~~In any action brought by the city against a user for violation of this chapter, a use permit, or a final order, a court of competent jurisdiction may impose a civil penalty of up to \$500.00 per day per violation. The \$500.00 shall be adjusted upwards as of the effective date of State of Michigan legislation which authorizes a home rule city to impose penalties higher than \$500.00. The adjustment shall be to the maximum amount then authorized by the laws of the State of Michigan. A user violating this chapter, a use permit, or a final order shall be subject to one or more compensatory charges, which are separate from and in addition to any fees or surcharges due from a user, in accordance with the following:~~

- ~~(1) The city may recover any additional expenses incurred by the city resulting from providing service to any user responsible for either of the following:
  - ~~(a) Violating any limit or discharge prohibition established by this chapter where no final order or use permit has been issued to that user;~~
  - ~~(b) Violating any limit or discharge prohibition contained in a final order or use permit applicable to that user.~~~~
- ~~(2) Compensatory charges may include reimbursement for any costs, damages, expenses, fines or penalties (direct or indirect) that the city may incur or that may be imposed on the city for handling, treating, and responding to an unlawful discharge that exceeds any limit or discharge prohibition contained in this chapter, a use permit, or a final order, and causes or contributes to such costs, damages, expenses, fines or penalties.~~
- ~~(3) The Administrator shall calculate the amount of the compensatory charges to be assessed against the user with an unlawful discharge that exceeds the limits or discharge prohibitions contained in this chapter, a use permit, or a final order, based upon the following minimum criteria:
  - ~~(a) Volume of the unlawful discharge;~~
  - ~~(b) Length of time that the unlawful discharge occurred;~~
  - ~~(c) Composition of the unlawful discharge;~~
  - ~~(d) Nature, extent, and degree of success that the POTW may achieve in minimizing or mitigating the effect of the unlawful discharge;~~~~

- (e) Toxicity, degradability, treatability, and dispersal characteristics of the unlawful discharges;
- (f) Expenses incurred by the city to treat the unlawful discharge including operation and maintenance costs, capital costs, replacement costs, sampling and analytical costs, sludge handling and disposal costs, and administrative costs;
- (g) Expenses incurred by the city in investigating the unlawful discharge and enforcing this chapter, a use permit, or a final order against the violating user;
- (h) Fines, penalties, damages, and expenses incurred by the city for actions brought or threatened to be brought against the city by the state government, federal government, or third parties to which the unlawful discharge caused or contributed, including the city's costs of defense (such as attorney fees, consultant fees, and sampling and analytical fees);
- (i) Any damages to the POTW incurred by the city; and
- (j) Other factors that the Administrator deems appropriate under the circumstances.

**2:49.7. -- Enforcement; Criminal penalties/misdemeanors.**

Any user who knowingly or purposely violates any provision of this chapter or a use permit or a final order issued under this chapter ~~or who fails to pay a civil administrative penalty,~~ shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00 for each violation, or such other fine as the court imposes, and plus the costs of prosecution, or by imprisonment for not more than 90 days, or by both. The fine shall be adjusted upwards as of the effective date of any State law change which authorizes a home rule city to impose a misdemeanor fine higher than \$500.00. Each act or violation and every day upon which any violation shall occur shall constitute a separate offense.

**2:49.8. - Cumulative remedies.**

The imposition of a single penalty, fine, order, damage, or surcharge upon a user for a violation of this chapter, a use permit, or a final order, or the issuance of any civil infraction or misdemeanor citation, shall not preclude the imposition by the city or a court of competent jurisdiction of a combination of any or all of the sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable statutory limitations on penalty amounts. A criminal citation and prosecution of a criminal action against a user shall not be dependent upon or held in abeyance during any civil, other judicial proceeding, or any city administrative proceeding, conference, or hearing regarding the user.

**2:50.2. - Publication of significant violators.**

The POTW Administrator shall publish, once per year in ~~the largest daily circulation of a newspaper in the city of~~ general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a public notice of nondomestic users which, at any time during the previous 12 months, were in significant violation of federal, state, or city pretreatment standards or requirements. For the purposes of this section, a user is in significant violation if its violation(s) meet 1 or more of the following criteria:

- (1) Chronic violation of discharge limits, defined here as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by ~~any~~ magnitude) a monthly average limit, daily maximum limit, or instantaneous maximum ~~the daily~~ limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken during a 6-month period equal or exceed the product of a monthly average limit, daily maximum limit, or instantaneous maximum limit ~~the daily average maximum limit or the average limit~~ times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a monthly average limit, daily maximum limit, instantaneous maximum limit, narrative standard, or other pretreatment standard or requirement ~~pretreatment effluent limit (daily maximum or longer-term average)~~ that the Administrator ~~POTW~~ believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, and has resulted in the POTW's exercise of its emergency authority to halt or prevent the discharge;
- (5) Violation, by 90 days or more after the schedule date, of a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days of the due date;
- (7) Failure to accurately report non-compliance; or
- (8) Any other violation or group of violations which the POTW considers to be significant.

Section 2. That this ordinance shall take effect on the tenth day following legal publication.

**CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of September 17, 2018.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Jacqueline Beaudry, Ann Arbor City Clerk

\_\_\_\_\_  
Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on September 20, 2018.

\_\_\_\_\_  
Jacqueline Beaudry, Ann Arbor City Clerk