

ORDINANCE NO. 13-04
CITY OF GREENVILLE

AN ORDINANCE TO REPEAL THE EXISTING ARTICLES 4 AND 5 OF CHAPTER 44 OF THE CITY OF GREENVILLE CODE OF ORDINANCES, AND TO ENACT A NEW CHAPTER 44 OF ARTICLE 4 PART 2 OF THE CITY OF GREENVILLE CODE OF ORDINANCES.

Chapter 44 Utilities Sewer Use Ordinances

We start with definitions- **Old 44-116 New 44-117 Reason-** the old ordinances had this section broken up in to two separate sections. We wanted the new ordinance to flow a little better as one chapter, so in the new ordinance all the definitions are at the beginning of the chapter. You will find that this section has grown in size as well. There have been a lot of additions since 1960 and you will find this section is more extensive and thorough than the old definitions section.

Old- 44-137 New- 44-118 Excrement; human and animal; unsanitary. – Reason- Covered in more detail in the new ordinance under 44-118 unlawful deposition.

Old- 44-138 New- 44-119 Contaminated waste; unlawful to discharge. Reason- again covered in more detail and thoroughly in the new ordinance.

Old- 44-139 New- 44-120 Private sewer conditions Reason- no real changes on this ordinance.

Old- 44-140 New- 44-121 & 44-122 Sanitary facilities; mandatory connections Reason- this ordinance was updated with the 200 foot rule incorporated. I researched other cities and cases against this rule and found that the judge favored for the utility in each case. There are currently several residents living within the city limits not hooked to

our sewer utility. We need these customers to help support the existing system. Not suggesting that we force these customers to hook to the system right away but as there private systems fail, they should be required to hook to the existing system. The 200 foot rule helps the city insure this will happen. The city has authority under state statute for this.

Old- 44-164 New- 44-123 Absence of public sewer; procedures. **Reason-** this section was more thoroughly covered and is very specific in what must be done and whom to contact and what rules are to be followed. The old ordinance is vague in this respect.

Old- 44-165 New- 44-125 Connection time limit **Reason-** new ordinance a little more detailed on material and references than the old.

Old- 44-166 New- 44-125 City absolved of expenses **Reason-** covered in new

Old- 44-167 New- 44-124 Other requirements **Reason-** updated with more references to governmental agencies.

Old- 44-188 New- 44-126 Permit Requirements **Reason-** updated to reference a particular permit otherwise same as old.

Old- 44-189 New- 44-127 & 128 Written authorization and permits **Reason-** This issue is covered in much more detail in the new ordinance vs the old. It requires owner and or a construction company to get a permit and post a bond. This will aid in protecting the city if damages to our system arise from public construction.

Old- 44-190 New- 44-127 & 128 Cost's owner to bear **Reason-** covered in detail in these two ordinance absolving the city of any liability or costs due to negligence on the part of a private contractor or owner.

Old- 44-191 New- 44-129 & 44-130 Separate Sewers **Reason-** the new ordinance covers this subject in a lot more detail than the old ordinance and gives guidance on certain circumstances.

Old- 44-192 New- 44-131 Size, material and slope. **Reason-** building and plumbing codes have changes as well as materials used since the 1960's. The updates in this section reflect those changes and refer to those codes.

Old- 44-193 New- 44-135 Installation of Building Sewers **Reason-** 135 and preceding section back to 131 all pertain to building sewers and will explain to certain circumstances and what is needed for each of those for connection of an existing or new building sewer to be connected to the city sewer system. Building and Plumbing Codes have changed.

Old- 44-194 New- 44-134 Lift approved means **Reason-** Code changes so, must now be approve by the city.

Old- 44-195 **New-** 44-136 Connection notification, City Manager **Reason-** language updated.

Old- 44-196 **New-** 44-137 Excavation, guards and barricades; lights **Reason-** updated language

Old- 44-197 **New-** 44-137 Fill, flooding or tampering **Reason-** covered under the updated language of 137.

Old- 44-198 **New-** 44-128 Bonds **Reason-** eliminated because it is covered in detail in new ordinance section 44-128.

Old- 44-199 **New-** 44-132 Sewer Levels **Reason-** covered in more detail.

Old- 44-222 thru 44-225 **New-** 44-119 **Reason-** the new ordinance covers all these sections under one reference and in more detail than the old referencing regulations and updated language.

New- 44-138, 44-139 and 44-140 are all new additions that protect the city sewer system and plant from undue exposure either to contaminants the plant can not handle(overloads) or to extra clean water flows that should be sent to a storm or natural drainage system.

New- Division 5 Condition of Service 44-141- 44-144. These sections describe condition of service and protect the city and point out specific sewer line responsibilities on the part of the home owner, business or the city. They also state that as a condition of service that all sources of water used that will eventually end up in the sewer system will require a water meter and that all will be subject to inspections and it does not hold the city responsible for disruptions in service.

Old- 44-244 **New-** 44-142 Generally (describing rates) 142 requires a water meter. **Reason-** I left generally out of the new ordinance but, think it wise after further review that something be added to the effect that any outside use of the city sewer system say a township business be required to put in an approved sewer use meter. There should be no businesses in the city limits that have their own water wells per the well head protection program. If some do, then it would be wise for the city to require them as well to put in a sewer use meter on their discharge line.

Old- 44-245, 44-248 and 44-249 **New-** 44-252 Rates, non-residents; billing **Reason-** combined under new ordinance.

Old- 44-246 **New-** 44-250 Surcharges **Reason-** this ordinance is part of IPP and as such falls into that area which is covered in more detail and extensively with new laws and regulations in mind. This section of the ordinance will require amendments when additional studies have been completed giving us the necessary data to complete this section.

Old- 44-247 Eliminated in new ordinance-water and sewer usage- **Reason-** in current economic times, the city can no longer afford to give these breaks to everyone. Other cities have either eliminated this or have required the business or residence to purchase an approved water meter for this purpose at their own expense.

Old- 44-250 New- responsibility is implied in the new ordinance. It is not specifically spelled out in any one reference.

Old- 44-251 New- 44-253 Delinquent charges; liens **Reason-** new ordinance covers with additional collection avenues.

Old- 44-281 New- 44-117 Pretreatment Definitions **Reason-** combined with sewer use definitions to make chapter flow better.

Old- 44-118 New- 44-222 Powers and Authority of Inspectors **Response-** covered in more detail within the IPP sections of this ordinance.

Old- 44-119 New- 44-243 Willful Destruction **Response-** covered in new ordinance with a charge reference.

This section of the summary covers the IPP provisions mandated by changes in the Clean Water Act regulations since 2005. Some are covered much earlier than that but we felt that 2005 and newer references were sufficient for this summary.

A. Provisions of Proposed Sewer Use and Pretreatment Ordinance Mandated by Amendments to the Federal Clean Water Act Regulations

Ordinance Provision	Current Ordinance (Chapter 44)	Proposed Ordinance	Required Revisions
1. Slug Control	44-327	44-197	Requires each SIU to prepare a slug control plan within 90 days. Current ordinance allows SIU to determine whether it needs a slug control plan. CWA regulations required this change by October 14, 2006.
2. Significant non-compliance	44-281	44-117	Revises the first two listed violations to expand their coverage and added a catch-all violation that incorporates the federal regulation by reference.
3. SIU reports	44-	44-167.A.	Streamlines the baseline monitoring

	289(a)(3)		report requirements.
4. SIU reports	44-289(d)	44-167.C.	Periodic compliance reports for non-domestic users are streamlined and incorporate the Michigan regulations by reference.
5. SIU reports	44-289(f)	44-168	Expands the list of information required for non-categorical dischargers and changes the timing requirement for the reports.
6. Best Management Practices ("BMPs")	44-423	44-156	Expands the permit conditions to include specific BMPs and a catch-all general Best Management Practice requirement.
7. Record keeping	44-288	44-205	The BMPs referenced above must be addressed in periodic discharge records.
8. Sampling	44-289(b)	44-179	Imposes a sampling requirement and sampling frequency for dischargers.
9. Sampling	44-289(d)	44-183	Imposes a self-monitoring requirement for non-domestic users and monitoring associated with BMPs.
10. Sampling	N/A	44-183.D.	Requirement to notify the POTW superintendent within 24 hours of becoming aware of a violation and a requirement to repeat sampling within 24 hours. If a second sample is not taken, the POTW has the right to do so.
11. Sampling methodology	44-293	44-178	Expands the types of sampling methodology allowed when any EPA-mandated mythology is not available.
12. Reports of sampling	44-289	44-180	Adds a requirement for grab samples in certain scenarios for certain listed parameters.
13. SIU sampling requirements	44-289(a)(3)	44-180 and 44-187	Provides procedures to ensure that samples taken are representative of the quality of the discharge.
14. Notice of changed discharges	44-286(c)	44-171	Expanded the types of changes to discharges that trigger the user's obligation to notify the POTW.
15. IPP fees	44-285	Division 24 44-247 to 44-251	Requires non-domestic dischargers to pay all of the costs of the IPP through IPP fees.

B. Proposed Amendments to the Enforcement Provisions of the IPP

Ordinance Provision	Current Ordinance (Chapter 44 Article A V, Division 6)	Proposed Ordinance (Division 18)	Required Revisions
1. Statement of general authority	N/A	44-222.A.	Provides the authorization for the POTW to engage in enforcement action and lists sixteen specific activities that the POTW can undertake through the enforcement process.
2. Right of entry	N/A	44-222.B., C and D	Authorizes the City Manager and other authorized representatives to enter a user's premises to conduct inspection, surveillance and monitoring activities generally and lists specific activities that the POTW is authorized to do on the users' premises.
3. Administrative orders	44-450 TO 44-453	44-224	Provides the POTW with more options for issuing administrative orders, provides for specific response times and provides for defenses to such orders.
4. Publication of users of significant non-compliance	44-460	44-226	Expands violations deemed to be significant non-compliance, enforcement of which involves publication in local newspaper (as required by CWA).
5. Civil penalties	44-458	44-227	Makes violations of the ordinance civil infractions; increases the base civil infraction fine from \$500 to \$1,000; provides for increased fines for repeat offenders; provides a list of factors to consider in determining the amount of fines to levy; changes the enforcing official for civil infraction fines to the City Manager, law enforcement personnel or others as designated (current ordinance provides for Superintendent to administer civil fines).
6. Criminal enforcement	44-459	44-228	The list of activities that are jailable offenses has been expanded.
7. Administrative fines	44-454	N/A	Removed the administrative fine remedy.
8. Number of violations	N/A	44-230	Provides that each day of a violation constitutes a separate violation; provides that violating a monthly average

Ordinance Provision	Current Ordinance (Chapter 44 Article A V, Division 6)	Proposed Ordinance (Division 18)	Required Revisions
			violation constitutes 30 or 31 violations (depending on the number of days in the month); specifies that multiple daily violations are possible if instantaneous minimum, instantaneous maximum or daily limits are exceeded; and clarifies that violations at separate outfalls constitutes separate violations.
9. Nuisance	N/A	44-231	Specifies that violations of the ordinance are nuisances that can be abated and provides for cost recovery in such enforcement option.
10. Reimbursements	44-462	44-232	Expands the reimbursement obligation for violators to include: costs of prosecution; reimbursement of POTW expenses on natural resource damages and other fines, penalties or claims made against the POTW by the DEQ or EPA; costs of third parties hired by the city for the enforcement (engineers, consultants and attorneys, for example); city staff time including overhead, overtime and salary; and a list of the factors to consider in determining the cost to be reimbursed.
11. Appeals	44-456	Division 19 44-237 TO 44-242	The current ordinance only provides for an appeal for which a written response is the only remedy. The proposed ordinance contains a list of procedures for two basic administrative appeals: the first for review and reconsideration to the City Manager; the second to the Wastewater Board of Appeals. Specific procedures and timing

Ordinance Provision	Current Ordinance (Chapter 44 Article A V, Division 6)	Proposed Ordinance (Division 18)	Required Revisions
			requirements for both are included. Appeals from the Wastewater Board of Appeals are required to go to the circuit court.

6283243_1.DOCX

We welcome any questions you may have on a particular ordinance and any suggestions on anything you feel may need to be changed or revised.

This Chapter shall become effective upon the date of publication of the notice of its adoption as provided in Section 6, above, and as certified by the Clerk, below.

Adopted this 16th day of July, 2013, by the City Council, City of Greenville, Michigan.

On roll call, the vote was:

Yeas: Six

Nays: None

By: Bradley S. Hood
Bradley S. Hood

This Chapter shall become effective upon the date of publication of the notice of its adoption as provided in Section 6, above, and as certified by the Clerk, below.

Adopted this 16th day of July, 2013, by the City Council, City of Greenville, Michigan.

On roll call, the vote was:

Yeas: Six

Nays: None

By: 
Bradley S. Hool

Certification

I, Bradley S. Hool, Clerk of the City of Greenville, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the City of Greenville City Council at a regular meeting held on July 16th, 2013, at 7:30 p.m., and that it was published in Daily News on , 2013. Bradley S. Hool, Clerk

ORDINANCE NO. 13-04

AN ORDINANCE TO REPEAL THE EXISTING ARTICLES 4 ("SEWER USE REQUIREMENTS") AND ARTICLE 5 ("PRETREATMENT") OF CHAPTER 44 ("UTILITIES") OF THE CITY OF GREENVILLE CODE OF ORDINANCES, AND TO ENACT A NEW CHAPTER 44 ("SEWER USE AND PRETREATMENT") OF ARTICLE FOUR ("SEWER USE REQUIREMENTS") OF PART TWO ("CODE OF ORDINANCES") OF THE CITY OF GREENVILLE CODE OF ORDINANCES, TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, SEWER INSTALLATIONS AND CONNECTIONS, AND DISCHARGES OF WASTEWATER AND POLLUTANTS INTO THE CITY'S PUBLICLY OWNED TREATMENT WORKS ("POTW"); TO REQUIRE PRETREATMENT OF NONDOMESTIC WASTES BY USERS OF THE POTW, USER PERMITS, AND MONITORING AND REPORTING OF USERS; AND TO PROVIDE FOR ENFORCEMENT, PENALTIES, AND OTHER RELIEF FOR VIOLATIONS. THE CITY OF GREENVILLE, MICHIGAN, ORDAINS:

Sec. 1. Repeal of Existing Article 4 and Article 5 of Chapter 44 of Part 2 of the City of Greenville Code of Ordinances. The existing articles 4 and 5 of Chapter 44 Utilities is hereby revoked in its entirety.

Sec. 2. Enactment of Article 4 of Chapter 44 (Utilities) of Part 2 of the City of Greenville Code of Ordinances. A new Article 4 ("Sewer Use and Pretreatment") of Chapter 44 ("Utilities") of Part 2 ("Code of Ordinances") of the City of Greenville Code of Ordinances is hereby adopted to read in its entirety as follows:

TABLE OF CONTENTS

DIVISION 1. GENERAL PROVISIONS	8
SEC. 44-116.	
PURPOSE AND SCOPE	8
SEC. 44-117.	
DEFINITIONS	9
 DIVISION 2. USE OF PUBLIC SEWERS REQUIRED.....	 29
SEC. 44-118.	
UNLAWFUL DEPOSITION	29
SEC. 44-119.	
DISCHARGE PROHIBITED WITHOUT REQUIRED APPROVALS, PERMITS, AND TREATMENT	29
SEC. 44-120.	
UNLAWFUL CONSTRUCTION	29
SEC. 44-121.	
REQUIRED CONNECTION TO AVAILABLE SANITARY SEWER	30
SEC. 44-122.	
WASTE DISCHARGE PROHIBITED EXCEPT THROUGH APPROVED SEWER CONNECTION	30

City of Greenville
Sewer Use and Pretreatment Ordinance

DIVISION 3. PRIVATE WASTEWATER DISPOSAL.....	30
SEC. 44-123.	
PRIVATE TREATMENT AND DISPOSAL REQUIREMENTS	30
SEC. 44-124.	
ADDITIONAL PUBLIC HEALTH REQUIREMENTS	31
SEC. 44-125.	
PUBLIC SEWER BECOMES AVAILABLE	31
 DIVISION 4. BUILDING SEWERS AND CONNECTIONS.....	 32
SEC. 44-126.	
PERMIT REQUIRED	32
SEC. 44-127.	
BUILDING SEWER CONNECTION PERMITS; PLUMBING PERMITS; STREET OPENINGS	32
SEC. 44-128.	
PERFORMANCE BONDS; INSURANCE	32
SEC. 44-129.	
MULTIPLE BUILDINGS; SEPARATE USES WITHIN BUILDINGS	33
SEC. 44-130.	
EXISTING BUILDING SEWERS	33
SEC. 44-131.	
CONSTRUCTION SPECIFICATIONS	33
SEC. 44-132.	
BUILDING SEWER ELEVATION AND LOCATION	34
SEC. 44-133.	
FLOOR DRAINS; BACKWATER VALVE DEVICES	34
SEC. 44-134.	
LOW BUILDING SEWERS	34
SEC. 44-135.	
CONNECTION SPECIFICATIONS	34
SEC. 44-136.	
NOTIFICATION; BUILDING SEWER INSPECTION	35
SEC. 44-137.	
PROTECTION AND RESTORATION	35
SEC. 44-138.	
CAPACITY REQUIRED	35
SEC. 44-139.	
CONNECTION TO SOURCES OF RUNOFF PROHIBITED	35
SEC. 44-140.	
PRETREATMENT OF ANY DISCHARGE MAY BE REQUIRED	35
 DIVISION 5. CONDITIONS OF SERVICE	 35
SEC. 44-141.	
RESPONSIBILITIES AND LIABILITIES FOR PRIVATE SEWER LINES	35
SEC. 44-142.	
WATER METERS	36
SEC. 44-143.	
DISRUPTION OF SERVICE	37
SEC. 44-144.	
SERVICE INSPECTIONS	37

City of Greenville
Sewer Use and Pretreatment Ordinance

DIVISION 6. REGULATION OF DISCHARGES TO THE POTW	37
SEC. 44-145.	
DISCHARGE PROHIBITIONS	37
SEC. 44-146.	
PRETREATMENT STANDARDS AND REQUIREMENTS	50
SEC. 44-147.	
RIGHT OF REVISION	51
SEC. 44-148.	
POTW'S RIGHT TO REFUSE OR CONDITION DISCHARGE	51
SEC. 44-149.	
MOST RESTRICTIVE STANDARDS AND REQUIREMENTS APPLY	51
SEC. 44-150.	
DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT	52
 DIVISION 7. USER PERMITS	 52
SEC. 44-151.	
USER PERMIT REQUIRED	52
SEC. 44-152.	
DETERMINATION OF USER STATUS	53
SEC. 44-153.	
PERMIT APPLICATION DEADLINES	53
SEC. 44-154.	
PERMIT APPLICATION REQUIREMENTS	54
SEC. 44-155.	
PERMIT ISSUANCE, DENIAL, OR DETERMINATION THAT PERMIT NOT REQUIRED	58
SEC. 44-156.	
PERMIT CONDITIONS	59
SEC. 44-157.	
PERMIT MODIFICATIONS	61
SEC. 44-158.	
PERMIT DURATION	62
SEC. 44-159.	
PERMIT REISSUANCE	62
SEC. 44-160.	
CONTINUATION OF EXPIRED PERMITS	62
SEC. 44-161.	
PERMIT SUSPENSION AND REVOCATION	63
SEC. 44-162.	
LIMITATIONS ON PERMIT TRANSFER	63
SEC. 44-163.	
DUTY TO PROVIDE INFORMATION	64
SEC. 44-164..	
PERMIT APPEALS	65
SEC. 44-165.	
PERMITS NOT STAYED	65
SEC. 44-166.	
PERMIT FEES	65
 DIVISION 8. REPORTING AND NOTICE REQUIREMENTS	 66
SEC. 44-167.	
REPORTS BY NONDOMESTIC USERS REGARDING CATEGORICAL PRETREATMENT STANDARDS	

City of Greenville
Sewer Use and Pretreatment Ordinance

AND REQUIREMENTS	66
SEC. 44-168.	
REPORTS REQUIRED FOR NONDOMESTIC USERS NOT SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS	67
SEC. 44-169.	
NOTICE BY USER OF POTENTIAL PROBLEMS	68
SEC. 44-170.	
NOTICE BY USER OF VIOLATION OF PRETREATMENT STANDARDS	68
SEC. 44-171.	
NOTICE BY USER OF CHANGED DISCHARGE OR CHANGE IN USER STATUS	68
SEC. 44-172.	
NOTICE BY USER REGARDING WASTES THAT ARE OTHERWISE HAZARDOUS	69
SEC. 44-173.	
NOTICE BY USER REGARDING INSTALLATION OF NEW PRETREATMENT FACILITIES	69
SEC. 44-174.	
NOTICE OF INTENT	70
SEC. 44-175.	
OTHER REPORTS AND NOTICES REQUIRED BY THIS DIVISION OR BY OTHER APPLICABLE LAWS AND REGULATIONS	70
SEC. 44-176.	
REQUIREMENTS APPLICABLE TO ALL REQUIRED REPORTS, NOTIFICATIONS, AND APPLICATIONS	70
SEC. 44-177.	
SIGNATURE AND CERTIFICATION REQUIREMENTS	72
 DIVISION 9. SAMPLING, ANALYSIS AND MONITORING REQUIREMENTS	72
SEC. 44-178.	
SAMPLING AND ANALYTICAL TECHNIQUES AND PROCEDURES	73
SEC. 44-179.	
SAMPLING FREQUENCY	73
SEC. 44-180.	
SAMPLE TYPES	73
SEC. 44-181.	
SAMPLING METHODS, EQUIPMENT AND LOCATION	74
SEC. 44-182.	
COSTS OF MONITORING, SAMPLING AND ANALYSES	74
SEC. 44-183.	
SELF-MONITORING	74
SEC. 44-184.	
SAMPLING AND ANALYSES PERFORMED BY POTW	75
SEC. 44-185.	
SPLIT SAMPLES AND SAMPLE RESULTS	76
SEC. 44-186.	
MAINTENANCE, REPAIR AND CALIBRATION OF EQUIPMENT	76
SEC. 44-187.	
REQUIRED SAMPLING STRUCTURES AND DEVICES	77
SEC. 44-188.	
DETERMINATION OF FLOW	78
 DIVISION 10. ACCIDENTAL DISCHARGES	79

City of Greenville
Sewer Use and Pretreatment Ordinance

SEC. 44-189.	
GENERAL	79
SEC. 44-190.	
DESIGNATION OF PERSON IN CHARGE OF DISCHARGE OPERATIONS	80
SEC. 44-191.	
DESCRIPTION OF CHEMICALS STORED, USED OR MANUFACTURED BY USER; USER DISCHARGES; USER PREMISES	80
SEC. 44-192.	
SEGREGATION OF WASTEWATERS REQUIRING PRETREATMENT	81
SEC. 44-193.	
SECONDARY CONTAINMENT REQUIREMENTS	81
SEC. 44-194.	
SUBMISSION OF POLLUTION INCIDENT PREVENTION PLAN	82
SEC. 44-195.	
POSTING OF ACCIDENTAL DISCHARGE INFORMATION	82
SEC. 44-196.	
NOTICE OF ACCIDENTAL DISCHARGE	82
SEC. 44-197.	
SLUG CONTROL PLAN	82
DIVISION 11. UPSET AND ADDITIONAL AFFIRMATIVE DEFENSES	83
SEC. 44-198.	
UPSET	83
SEC. 44-199.	
ADDITIONAL AFFIRMATIVE DEFENSES	84
DIVISION 12. BYPASS	84
SEC. 44-200.	
BYPASS NOT VIOLATING APPLICABLE PRETREATMENT STANDARDS OR REQUIREMENTS	84
SEC. 44-201.	
BYPASS PROHIBITED	85
SEC. 44-202.	
REQUIRED NOTICES	85
SEC. 44-203.	
POTW APPROVED BYPASS	85
DIVISION 13. CONFIDENTIAL INFORMATION	86
SEC. 44-204.	
CONFIDENTIAL INFORMATION	86
DIVISION 14. RECORDS RETENTION	87
SEC. 44-205.	
MAINTENANCE OF RECORDS	87
DIVISION 15. ADMINISTRATION OF THE POTW	88
SEC. 44-206.	
OPERATION AND MANAGEMENT OF POTW	88
SEC. 44-207.	
POWERS OF CITY MANAGER	88
DIVISION 16. USER POLLUTION CONTROLS	89

City of Greenville
Sewer Use and Pretreatment Ordinance

SEC. 44-208.	
PROVISION BY USERS OF NECESSARY PRETREATMENT FACILITIES	89
SEC. 44-209.	
PROPER OPERATION AND MAINTENANCE	90
SEC. 44-210.	
REMOVED SUBSTANCES	90
SEC. 44-211.	
DUTY TO HALT OR REDUCE ACTIVITY	90
SEC. 44-212.	
DUTY TO MITIGATE	91
SEC. 44-213.	
DUTY TO PRETREAT PRIOR TO DISCHARGE TO POTW	91
SEC. 44-214.	
IMPLEMENTATION OF BEST MANAGEMENT PRACTICES OR BEST MANAGEMENT PRACTICES PLAN	91
SEC. 44-215.	
FOG INTERCEPTORS; ALTERNATE FOG PRETREATMENT TECHNOLOGY; SAND TRAPS.	92
SEC. 44-216.	
ADDITIONAL PRETREATMENT MEASURES	97
DIVISION 17. SEPTAGE WASTE.....	98
SEC. 44-217.	
Disposal of Septage Waste.....	98
SEC. 44-218.	
Disposal of Additional Waste at the Septage Receiving Facility.....	98
SEC. 44-219.	
Rates, Fee, Charges, and Other Costs.....	99
SEC. 44-220.	
Violations and Penalties.....	99
SEC. 44-221.	
Recovery of Additional Costs Incurred by the City.....	99
DIVISION 18. ENFORCEMENT	100
SEC. 44-222.	
POTW INSPECTION, SURVEILLANCE AND MONITORING AUTHORITY; RIGHT OF ENTRY	100
SEC. 44-223.	
NOTICE OF VIOLATION	102
SEC. 44-224.	
ORDERS AND SUPPLEMENTAL ENFORCEMENT TOOLS	103
SEC. 44-225.	
SERVICE OF NOTICES OF VIOLATIONS, ORDERS AND NOTICES OF ASSESSMENTS	107
SEC. 44-226.	
PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE	108
SEC. 44-227.	
MUNICIPAL CIVIL INFRACTIONS AND ADMINISTRATIVE FINES.....	109
SEC. 44-228.	
CRIMINAL PENALTIES; IMPRISONMENT	110
SEC. 44-229.	
CONTINUING VIOLATION	111

City of Greenville
Sewer Use and Pretreatment Ordinance

SEC. 44-230.	
NUMBER OF VIOLATIONS	111
SEC. 44-231.	
NUISANCE	112
SEC. 44-232.	
REIMBURSEMENT	112
SEC. 44-233.	
REVIEW OR APPROVAL BY CITY	114
SEC. 44-234.	
SEVERANCE OR SUSPENSION OF SEWER AND/OR WATER SERVICE	114
SEC. 44-235.	
JUDICIAL RELIEF	114
SEC. 44-236.	
CUMULATIVE REMEDIES	115
DIVISION 19. ADMINISTRATIVE REVIEW AND APPEALS	115
SEC. 44-237.	
PROCEDURES AVAILABLE	115
SEC. 44-238.	
REVIEW AND RECONSIDERATION BY THE CITY MANAGER	115
SEC. 44-239.	
APPEAL TO WASTEWATER BOARD OF APPEALS	116
SEC. 44-240.	
PAYMENT OF CHARGES, PENALTIES, FINES, AND OTHER COSTS OR FEES PENDING OUTCOME OF APPEAL	117
SEC. 44-241.	
FINALITY OF ACTION	117
SEC. 44-242.	
APPEALS FROM DETERMINATION OF WBA	117
DIVISION 20. PROTECTION FROM DAMAGE	117
SEC. 44-243.	
PROTECTION FROM DAMAGE	117
DIVISION 21. MUNICIPAL LIABILITY	118
SEC. 44-244.	
MUNICIPAL LIABILITY	118
DIVISION 22. USE OF PUBLIC SEWERS CONDITIONAL	118
SEC. 44-245.	
USE OF PUBLIC SEWERS CONDITIONAL	118
DIVISION 23. VACATION OF HAZARDOUS PROPERTY	118
SEC. 44-246.	
VACATION OF HAZARDOUS PROPERTY	118
DIVISION 24. INDUSTRIAL PRETREATMENT PROGRAM FEES	119
SEC. 44-247.	
PURPOSE	119
SEC. 44-248.	
IPP FEES	119

City of Greenville
Sewer Use and Pretreatment Ordinance

SEC. 44-249.	
IPP FEE AMOUNTS	119
SEC. 44-250.	
SURCHARGES	120
SEC. 44-251.	
BILLING AND COLLECTION OF IPP FEES	120
DIVISION 25. SEWER SERVICE AND CONNECTION FEES.....	121
SEC. 44-252.	
SEWER SERVICE AND CONNECTION FEES.....	121
DIVISION 26. DELINQUENT ACCOUNTS	121
SEC. 44-253.	
DELINQUENT ACCOUNTS	121

CHAPTER 44 SEWER USE AND PRETREATMENT

Division 1. General Provisions

Sec. 44-116. Purpose and Scope

- A. The purposes of this Chapter include, but are not limited to, the following:
1. To establish uniform requirements for discharges by all users to the City of Greenville Publicly Owned Treatment Works ("POTW"), and to enable the POTW to comply with applicable State and Federal laws as required by the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 USC 1251, et seq.; the General Pretreatment Regulations (40 CFR Part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., as amended ("Water Resources Protection"); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to Sections 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended.
 2. To prevent the discharge of pollutants into the POTW that do not meet applicable pretreatment standards and requirements; that could interfere with the operation of the POTW; that could pass through the POTW into the receiving waters or the atmosphere, the environment, or otherwise be incompatible with the POTW; that could inhibit or disrupt the POTW's processing, use, or disposal of sludge; that could cause health or safety problems for POTW workers; or that could result in a violation of the POTW's NPDES permit or of other applicable laws and regulations.
 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW.
 4. To regulate the discharge of wastewater and/or pollutants to the POTW and to enforce the requirements of this Chapter through the issuance of permits and through other means as provided by this Chapter.
 5. To authorize and require all inspection, monitoring, reporting and enforcement

City of Greenville
Sewer Use and Pretreatment Ordinance

activities as necessary to insure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations.

6. To provide for the equitable distribution and recovery of costs from users of the POTW sufficient to administer regulatory activities and to meet the costs of the operation, maintenance, repair, replacement, and improvement of the POTW.

B. This Chapter applies to any person, whether located within the City or outside the City, that discharges to the POTW.

C. This Chapter also applies to any person owning, using, constructing or maintaining any private system or facility intended or used for the disposal of sewage or wastewater within the City or under the City's jurisdiction.

D. Any other local unit of government that discharges into the POTW (or that has users or premises that discharge into the POTW) shall, as a condition to discharge, adopt, and to keep continually in force and up-to-date, an ordinance that, except as specifically provided by this subsection, shall be identical to the Sewer Use Regulations as provided by this Chapter (and as this Chapter is amended from time to time by the City). The ordinance adopted by the local unit shall expressly designate, empower and authorize the City to act as the agent and representative of the local unit for purposes of administering and enforcing the local unit's ordinance within the local unit. This shall include, but shall not be limited to, the power and authority of the City, as deemed necessary by the City, to immediately and independently investigate, enforce, and prosecute (administratively or judicially, and civilly or criminally) any violation of the local unit's ordinance or of any notice, order, permit, decision or determination promulgated, issued or made by the City under this Chapter or the local unit's ordinance, and to otherwise implement the requirements of this Chapter and the local unit's ordinance. The only other deviations and differences permitted between this Chapter and the local unit's ordinance shall be those that reflect the fact that the local unit's ordinance is being adopted as an ordinance by the Local Unit, and any other deviations or differences that are approved in advance by the City.

E. It shall be unlawful for any person to discharge any wastewater or pollutant to the POTW or to any storm sewer or natural outlet within the City or in any area under the jurisdiction of the City, except in accordance with the provisions of this Chapter and other applicable laws and regulations.

F. If any user discharges or proposes to discharge wastewaters or pollutants that are prohibited or limited by this Chapter, the City may take any action as provided by this Chapter or other applicable laws or regulations to assure and require compliance with the provisions of this Chapter.

Sec. 44-117. Definitions

Unless the context specifically indicates otherwise, the following terms shall have the following meanings as used in this Chapter:

City of Greenville
Sewer Use and Pretreatment Ordinance

“Act or the Act” means the Federal Water Pollution Control Act, also known as the “Clean Water Act,” as amended, 33 USC 1251 et seq.

“Alternative Discharge Limits” means limits set by the city in lieu of the limits promulgated by national categorical pretreatment standards, for integrated facilities in accordance with the combined waste stream formula as set by the EPA.

“Alternative FOG Pretreatment Technology” or **“AFPT”** means a device to trap, separate, and hold FOG from wastewater and prevent it from being discharged into the POTW, other than an outdoor FOG interceptor.

“Approval Authority” means The Department of Environmental Quality (MDEQ) is designated as the approval authority.

“Authorized Representative.” When used in reference to a Nondomestic User, “authorized representative” means as follows:

A. If the user is a corporation, a responsible corporate officer. “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 one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or proprietorship, a general partner or proprietor, respectively.

C. If the user is a federal, state or local governmental entity, the principal executive officer, ranking elected official, or director having responsibility for the overall operation of the discharging facility.

D. A duly authorized representative of an individual designated in (A), (B) or (C) above, if the representative is responsible for the overall operation of the facilities from which the discharge to the POTW originates.

(1) To be considered “duly authorized,” the authorization must be made in writing by an individual designated in (A), (B) or (C) above. The authorization must specify either an individual or a position having responsibility for the overall operation of the facility (such as the position of plant manager, operator of a well

City of Greenville
Sewer Use and Pretreatment Ordinance

or well field, or a position of equivalent responsibility, or having overall responsibility for the environmental matters for the company or entity). The written authorization must be submitted to the POTW Superintendent prior to or together with any reports to be signed by the authorized representative.

(2) If an authorization under (D)(1) above 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 or entity, a new written authorization must be submitted to the POTW Superintendent prior to or together with any reports to be signed by the newly authorized representative.

“Best Management Practice” or “BMP” means any practice, program, procedure, control, technique or measure (used singularly or in combination), that a user is required to adopt or implement to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances to the POTW, as determined necessary by the POTW Superintendent. BMPs include, but are not limited to: schedules of activities; pollution treatment practices or devices; prohibitions of practices; good housekeeping practices; pollution prevention, minimization and reduction measures; educational practices and programs; maintenance procedures; other management programs, practices or devices; treatment requirements; notice, reporting, and record-keeping requirements; and operating procedures and practices to control or contain site runoff, spillage or leaks, batch discharges, sludge or water disposal, or drainage from product and raw materials storage. BMPs may be structural, non-structural, or both. In determining what BMPs will be required of a user in a particular case, the POTW Superintendent may consider all relevant technological, economic, practical, and institutional considerations as determined relevant and appropriate by the POTW Superintendent, consistent with achieving and maintaining compliance with the requirements of this Chapter and other applicable laws and regulations.

“BOD” (denoting Biochemical Oxygen Demand) means the quantity of dissolved oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

“Building Drain” means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to a building sewer. The building drain shall be deemed to begin 5 feet outside the inner face of the building wall.

“Building Sewer” means the extension from the building drain to the public sewer or other place of disposal (such as a grinder pump). The Building Sewer shall be deemed to begin 5 feet outside the inner face of the building wall and connects the building drain to the proper public sewer or other place of disposal.

City of Greenville
Sewer Use and Pretreatment Ordinance

“Bypass” means the intentional diversion of waste streams from any portion of a user’s treatment process or facility needed for compliance with pretreatment standards or requirements.

“Categorical Pretreatment Standard” or **“Categorical Standard”** means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 301 or 307(b) and (c) of the Clean Water Act, 33 USC 1311 or 1317, which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

“Categorical Industrial User (CIU)” means an industrial user subject to a categorical pretreatment standard or categorical standard.

“Cesspool” means an underground pit into which domestic waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

“CFR” means Code of Federal Regulations.

“Chemical Oxygen Demand” or **“COD”** means a measure of 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 oxygen consumed (OCR) and dichromate oxygen consumed (DO), respectively.

“City” means the City of Greenville, Montcalm County, Michigan, or the City’s authorized representatives.

“City Manager” means the City Manager of the City or the City’s Manager’s designee.

“Combined Wastestream” means the waste stream at facilities where effluent from one (1) regulated process is mixed, prior to Pretreatment or Treatment, with wastewaters other than those generated by that regulated process. Where required by federal or state law, the Combined Wastestream formula provided in 40 CFR 403 will apply to limits applicable to a Combined Wastestream.

“Compatible Pollutant” means a pollutant that, as determined by the POTW Superintendent, is susceptible to effective treatment by the POTW as designed, and which will not interfere with, or pass through, the POTW, and which is otherwise not incompatible with the treatment processes or in excess of the capacity at the POTW. The term “compatible” is a relative concept that must be determined on a case-by-case basis. In determining whether or not a pollutant is compatible with the POTW, the POTW Superintendent may consider, without limitation, the nature and qualities of the pollutant, and the concentration, mass, and flow rate at which the pollutant is (or is proposed to be) discharged. Thus, for example, even pollutants such as BOD, fats, oils or grease, phosphorous, suspended solids, and fecal coliform bacteria, which may typically be considered

City of Greenville
Sewer Use and Pretreatment Ordinance

"compatible," may be determined incompatible by the POTW Superintendent if discharged in concentrations or flows that would cause interference or pass through or exceed the POTW's capacity. Specifically excluded from the definition of compatible pollutant are "heavy" metals, TTOs, and any pollutants that will likely contribute or cause operational or sludge disposal problems or unacceptable discharges to the receiving waters.

"Composite Sample" means a series of individual samples, collected on a flow or time proportional basis, taken at regular intervals over a specific time period and combined into a single sample (formed either by continuous sampling or by mixing discrete samples) representative of the average stream during the sampling period. For categorical sampling, a composite sample shall consist of at least four (4) individual samples taken within a 24-hour period.

"Control Authority" means and refers to the publicly owned treatment works (POTW) or City of Greenville, which has been designated by the approval authority (MDEQ) to implement a pretreatment program.

"Cooling Water" means water used for cooling purposes only, including both contact and noncontact cooling water.

"Cooling Water (contact)" means water used for cooling purposes only that may become contaminated or polluted either through the use of water treatment chemicals (such as corrosion inhibitors or biocides) or by direct contact with process materials and/or wastewater.

"Cooling Water (non-contact)" means water used for cooling purposes only that has no direct contact with any raw material, intermediate product, final product, or waste, and that does not contain a detectable level of contaminants higher than that of the intake water (for example, the water discharged from uses such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat).

"County Health Department" means the Montcalm County Health Department or its successor agency.

"Daily Maximum" means the maximum discharge of pollutants or flow (expressed in terms of concentration, mass loading, pounds, gallons or other unit of measurement) that shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that calendar day. If grab samples are required

City of Greenville
Sewer Use and Pretreatment Ordinance

for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. If only one grab sample is collected for a parameter on a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of that single grab sample.

"Days" means, for purposes of computing a period of time prescribed or allowed by this Chapter, consecutive calendar days.

"DEQ" The Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.

"Dilute" means to weaken, thin down or reduce the concentration of pollutants in wastewater by the addition of water.

"Discharge" means the introduction of waste, wastewater, effluent, or pollutants into the POTW, whether intentional or unintentional, and whether directly (such as through an approved sewer connection or other approved discharge point as authorized by this Chapter) or indirectly (including, but not limited to, sources such as inflow and infiltration).

"Domestic Septage" means liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar storage or treatment works that receives only domestic waste. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar facility that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease interceptor, grease trap, or other appurtenance used to retain grease or other fatty substances contained in restaurant waste.

"Domestic Treatment Plant Septage" means biosolids generated during the treatment of domestic waste in a treatment works and transported to a receiving facility or managed in accordance with a residuals management program approved by the MDEQ.

"Domestic User" means a user that discharges only segregated normal strength domestic waste into the POTW.

"Domestic Waste" means wastewater (or water-carried waste) of human origin generated by personal activities from toilet, kitchen, laundry, or bathing facilities, or by other similar facilities used for household or residential dwelling purposes ("sanitary sewage"). Domestic waste shall not include any waste resulting from industrial or commercial processes, including, without limitation, any hazardous or toxic pollutants. Wastes that emanate from sources other than residential dwelling units may be considered domestic wastes only if they are of the same nature and strength and have the same flow rate characteristics as wastes that emanate from residential dwelling units, as determined by the POTW Superintendent.

City of Greenville
Sewer Use and Pretreatment Ordinance

“Dwelling” (as in “residential dwelling”) means any structure designed for habitation, including but not limited to houses, mobile homes, apartment buildings, condominiums, and townhouses where each dwelling unit contains, at a minimum, sleeping facilities, a toilet, a bath or shower, and a kitchen.

“Effluent” means wastewater or other liquid, partially or completely treated, flowing from a reservoir, basin treatment process, treatment plant, disposal facility or toilet device.

“EPA” means the United States Environmental Protection Agency.

“Excessive” means at such a flow, rate, magnitude or amount that, in the judgment of the POTW Superintendent, it may cause damage to any facility or the POTW; may be harmful to the wastewater treatment processes; may adversely affect the management or operation of the POTW or POTW sludge management or disposal; may cause pass through or interference; may violate any pretreatment standard or requirement; may adversely affect the quality of the receiving waters or the ambient air quality; may endanger worker health and safety; may constitute a public nuisance; may be inconsistent with the requirements, purposes or objectives of this Chapter; or may otherwise adversely impact the public health, safety or welfare or the environment.

“Existing Source” means any source of discharge that is not a “new source” as defined by this Chapter.

“Fats” or **“FOG”** means fats, oil or grease consisting of any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other non-volatile material of animal, vegetable or mineral origin that is extractable by solvents in accordance with standard methods.

“Flow-proportional Composite Sample” means a combination of individual samples of equal volume taken at equal intervals of flow without consideration of the time between individual samples.

“Food Establishment Septage” means material pumped from a grease interceptor, grease trap, or other appurtenance used to retain grease or other fatty substances contained in restaurant wastes and which is blended into a uniform mixture, consisting of not more than 1 part of that restaurant-derived material per 3 parts of domestic septage, prior to land application or disposed of at a receiving facility.

“Food Service Establishment” or **“FSE”** means any premises where food or beverages are prepared and served or consumed, whether fixed or mobile, with or without charge, and whether on or off the premises. FSEs shall include, but are not limited to, restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores with on site food preparation, and ice cream parlors. The following shall not be subject to the interceptor/APT

City of Greenville**Sewer Use and Pretreatment Ordinance**

requirements under Section 44-215. of this Chapter except as otherwise determined necessary by the City to meet the purposes and objectives of this Chapter:

(a) A private residential dwelling unit where the food is prepared and served or consumed solely by the occupants of the dwelling unit;

(b) a premises where the only food prepared and served or consumed is dispensed from automatic vending machines; and

(c) a "Temporary Food Service Establishment" meaning an FSE operating at a fixed location for not more than 14 consecutive days in conjunction with a single event or celebration.

"Footing drain" means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

"Garbage" means solid wastes from the storage, preparation, cooking, serving, dispensing, canning, or packaging of food, or from the growing, handling, storage, processing or sale of produce or other edible products. It is composed largely of putrid organic matter and its natural or added moisture content.

"General User Permit" means a permit issued to any user other than a Significant Industrial User as provided by this Chapter to control discharges to the POTW and to ensure compliance with applicable pretreatment standards and requirements.

"Grab Sample" means an individual sample that is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

"Grease Trap" means a device designed to separate and retain fats, oils, and grease from liquid waste and permit the liquid waste to discharge into the POTW.

"Grinder Pump" means, in a grinder pump system, the device to which the building sewer connects and which grinds and pumps the sewage to the public sewer for transportation to the POTW.

"Grinder Pump System" means the publicly owned grinder pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately owned building sewer and the public sewer system.

"Hazardous Waste" means any substance discharged or proposed to be discharged into the POTW, that (1) if otherwise disposed of would be a hazardous waste under 40 CFR Part 261 or under the rules promulgated under the state hazardous waste management act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.11101 et seq., as amended); or (2) is otherwise a waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or

City of Greenville**Sewer Use and Pretreatment Ordinance**

the environment if improperly treated, stored, transported, disposed of, or otherwise managed, as determined by the POTW.

"Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Incompatible Pollutant" means any pollutant that is not a compatible pollutant.

"Industrial User (IU)" means any Nondomestic User that, by any means, contributes, causes or permits the contribution, introduction or discharge of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether directly or indirectly. For purposes of this Chapter, the term industrial user also includes municipalities or other units of local government that contribute, cause or permit the contribution or introduction of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether direct or indirect.

"Infiltration" means any waters entering the POTW from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

"Inflow" means any waters entering the POTW from sources such as, but not limited to, building downspouts; roof leaders; cellar, yard, and area drains; foundation and footing drains; cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers; catch basins; storm waters; surface runoff; street wash waters; or drainage.

"Instantaneous Maximum Limit" means the maximum concentration or other measure of pollutant magnitude of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If the concentration or other measure of pollutant magnitude determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample exceeds the instantaneous maximum limit, the instantaneous maximum limit shall be deemed to have been exceeded.

"Instantaneous Minimum Limit" means the lowest measure of pollutant magnitude of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If the concentration or other pollutant magnitude determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample is below the a specified instantaneous minimum limit, the instantaneous minimum limit shall be deemed to have been violated.

"Interceptor Device" means a device, including but not limited to, grease traps, sand traps, oil water separators, etc., designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter. In case of acid or caustic wastes, an interceptor is a device in which the wastes are neutralized prior to their Discharge into the Wastewater collection system of the premises, the building drain, the Building Sewer, private sewer, or Public Sewer.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources either:

City of Greenville
Sewer Use and Pretreatment Ordinance

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or

B. 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) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (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), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"Lateral Sewer" means that portion of the sewer system located under the street or within the public right-of-way from the property line to the trunk line and which collects sewage from a particular property for transfer to the trunk line. (A lateral sewer is sometimes also referred to as a sewer stub or sewer lead.)

"lbs/day" means pounds per day.

"Local Limit" means a specific enforceable prohibition, standard or requirement (numerical or non-numerical) on discharges by Nondomestic Users established by the POTW to meet the purposes and objectives of this Chapter and to comply with applicable state and federal laws and regulations listed in 40 CFR 403.5(a)(1)(b).

"May" is permissive.

"MAC" means the Michigan Administrative Code.

"MDEQ" means the Michigan Department of Environmental Quality) or the MDEQ's authorized representatives.

"Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes, and includes any medical or infectious wastes as defined by the MDEQ.

"mg/l" means milligrams per liter.

"Monthly Average" means the sum of the concentrations (or mass loadings, expressed in terms of pounds per day, or such other unit of measurement) of a pollutant divided by the number of samples taken during a calendar month. The concentrations (or loadings) that are added are single numbers for single calendar days for all days during the calendar month for which analyses are obtained (whether by the user or the POTW), but the concentrations (or loadings) may be based upon a sample or samples taken over either all or part of that day and upon single or multiple analyses for that day, as determined by the POTW Superintendent. If no samples are taken during particular months because less

City of Greenville
Sewer Use and Pretreatment Ordinance

than monthly sampling is required for a pollutant parameter (e.g., a specified quarterly monitoring period), the monthly average for each month within the specified monitoring period shall be deemed to be the sum of concentrations (or loadings) for the monitoring period divided by number of samples taken during the monitoring period.

“NAICS” or “North American Industrial Classification System” means the system of classification for business establishments adopted by the U.S. Office of Management and Budget, as amended.

“Natural Outlet” means any naturally formed outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“New Source” means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section provided that:

A. The building, structure, facility or installation is constructed at a site at which no other source is located; or

B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (B) or (C) of this Section, above, but otherwise alters, replaces, or adds to existing process or production equipment. Commencement of construction of a new source shall be determined in a manner consistent with 40 CFR 403.3(k)(3).

“ng/l” means nanograms per liter.

“Non-contact Cooling Water.” See “cooling water (non-contact).”

“Nondomestic User” means any user other than a Domestic User (i.e., any user that discharges anything other than segregated normal strength domestic waste into the POTW). The determination of whether or not a user is a “nondomestic user” shall be made by the City or POTW Superintendent at the City Manager’s sole discretion as determined necessary by the City Manager and

City of Greenville
Sewer Use and Pretreatment Ordinance

the POTW Superintendent to achieve the purposes and objectives of this Chapter. Any user that has the reasonable potential, as determined by the City Manager and the POTW Superintendent, to discharge any waste other than normal strength domestic waste into the POTW, may be deemed a nondomestic user for purposes of this Chapter.

“Nondomestic User Permit” means a permit issued to a Significant Industrial User, or to such other user as determined appropriate by the City and the POTW Superintendent, as provided by this Chapter to control discharges to the POTW and to ensure compliance with applicable pretreatment standards and requirements.

“Nondomestic Waste” means any wastewater (or water- or liquid-carried waste) other than domestic waste. The determination of whether or not a waste is a “nondomestic waste” shall be made by the POTW Superintendent at the City Manager’s sole discretion as determined necessary by the POTW Superintendent to achieve the purposes and objectives of this Chapter. Any waste that has the reasonable potential, as determined by the City Manager or the POTW Superintendent, to be not entirely composed of normal strength domestic waste may be deemed nondomestic waste for purposes of this Chapter.

“Normal Strength Domestic Waste” means a domestic waste flow for which the levels of pollutants (including, without limitation, BOD, TSS, ammonia nitrogen, or phosphorous) are below the surcharge levels for any parameter as established by this Chapter. Further, to be considered normal strength, the wastewater must have a pH between 6.0 and 9.5, must not exceed any local limit, and must not contain a concentration of other constituents that would interfere with POTW treatment processes. The determination of whether or not a waste stream is “normal strength domestic waste” shall be made by the POTW Superintendent at the City Manager’s sole discretion as determined necessary by the POTW Superintendent to achieve the purposes and objectives of this Chapter.

“NPDES Permit” means a National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Act.

“NREPA” means the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, which is codified at MCL 324.101 et. seq.

“Nuisance” means any condition or circumstance defined as a nuisance pursuant to Michigan statute, at common law or in equity jurisprudence which includes, but is not limited to, any condition where Sewage, Industrial Waste, or the effluent from any Sewage disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground or into any ditch, storm drain, lake or watercourse, or when the odor, appearance,

City of Greenville
Sewer Use and Pretreatment Ordinance

or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property, except as otherwise permitted.

"Obstruction" means anything of whatever nature that impedes the flow of wastewater from the point of origination to the trunk line and anywhere else within the POTW. This includes, but is not limited to, objects, sewage, garbage, FOG, tree roots, rocks and debris of any type.

"Operation, Maintenance, Repair, Replacement, and Improvement" means all work, materials, equipment, utilities, and other efforts required to operate and maintain the POTW consistent, at a minimum, 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 repair, replacement, and improvement, in whole or in part.

"Outfall" means the point (or points) of discharge by a user to the POTW, approved by the POTW and specified in a User Permit.

"Owner" means the owner of record of the freehold of a 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 premises.

"Pass Through" means a discharge that exits the POTW into waters of the State (or waters of the United States) in quantities or concentrations that, 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 or of any requirement of applicable local, state or federal laws and regulations (including an increase in the magnitude or duration of a violation), or otherwise detrimentally impacts the receiving stream and/or as further defined in 40 CFR 403.3(n).

"Person" means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" means the logarithm (base 10) of the reciprocal concentration of hydrogen ions expressed in moles per liter of solution.

"Pollutant" includes, but is not limited to, any of the following:

A. Any material that is discharged into water or other liquid, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural wastes.

City of Greenville
Sewer Use and Pretreatment Ordinance

B. Properties of materials or characteristics of wastewater, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, or odor.

C. Substances regulated by categorical standards.

D. Substances discharged to the POTW that are required to be monitored by a user under this Chapter, that are limited in the POTW's NPDES permit, or that are required to be identified in the POTW's application for an NPDES permit.

E. Substances for which control measures on users are necessary to avoid restricting the POTW's residuals management program; to avoid operational problems at the POTW; or to avoid POTW worker health and safety problems.

"POTW" (Publicly Owned Treatment Works). The complete sewage disposal, transportation and treatment system of the City as defined by the Act and this Chapter, including any devices, processes and systems used in the storage, treatment, recycling or reclamation of wastewater, sewage or sludge, as well as sewers (including all mains and intercepting sewers), pipes and other conveyances used to collect or convey wastewater or sewage to the treatment works, as now or hereafter added to, extended or improved. The term "POTW" shall also include any sewers outside the City that convey wastewaters to the POTW from persons who are, by contract or agreement with the City, users of the POTW. References in this Chapter to approvals, determinations, reviews, etc., "by the POTW" shall mean by the City Manager, or the City Manager's authorized representatives. The term "POTW" may also be used to refer to the City as the municipality that has jurisdiction over the discharges to, and discharges from, the treatment works, or to the Wastewater Treatment Plant and its designated representatives, as appropriate to the context in which the term is used.

"POTW Treatment Plant." The portion of the POTW that is designed to provide treatment (including recycling or reclamation) of wastewater.

"POTW Superintendent" or "Superintendent" means the City's POTW Superintendent, or his or her designees or authorized representatives.

References to "POTW Superintendent" or "Superintendent" shall include the Superintendent's authorized representatives.

"Premises" means a lot, tract, parcel or plot of land, or a building or structure, or any part thereof, having any connection, directly or indirectly, to the POTW, or from which there is a discharge to the POTW.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before or instead of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges

City of Greenville
Sewer Use and Pretreatment Ordinance

or slug loadings, all subject to applicable requirements of local, state and federal laws and regulations.

"Pretreatment Requirement" means any substantive or procedural requirement imposed on a user related to pretreatment, other than a national pretreatment standard.

"Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated in accordance with Section 307(b) and (c) of the Act or Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., including general and specific prohibitive discharge limits and local limits established in this Chapter pursuant to MAC R 323.2303, and categorical standards.

"Private Sewer Line" means any sewer service line, equipment, or facilities for the disposal of wastewater installed or located on any premises and/or within the street right-of-way that transports wastewater from the premises to the public sewer, such as the building sewer and the lateral sewer, an including any structure or facility that exists on the premises.

"Private Wastewater Disposal System" means a cesspool, septic tank, cesspool or similar device, or part thereof, not connected to a public sewer.

"Process Wastewater" means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

"Properly Shredded Garbage or Other Solid Material" means garbage or other solid material that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW (or so as to otherwise not result in interference), with no particle greater than 1/2 inch in any dimension.

"Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"Reasonable Potential." As used in this Chapter, a determination of "reasonable potential" by the City means a determination made by the City Manager or the POTW Superintendent that a certain condition, state, result or circumstance exists, or is likely to exist, based upon the quantitative or qualitative factors or information deemed by the City Manager or the POTW Superintendent to be relevant and appropriate to the determination, consistent with the purposes and objectives of this Chapter.

"Receiving Facility" means a structure that is designed to receive septage waste for treatment at a wastewater treatment plant or at a research, development and demonstration project authorized under section 1151 1b of the NREPA to which the structure is directly connected, and that is available for that purpose as provided for in an ordinance of the local unit of government where the structure is located or in an operating plan. Receiving Facility does not include either of the following:

City of Greenville
Sewer Use and Pretreatment Ordinance

(a) A septic tank.

(b) A structure or a wastewater treatment plant at which the disposal of septage waste is prohibited by order of the DEQ under section 11708 or 11715b of the NREPA.

"Replacement Costs" means expenditures for obtaining and installing equipment, accessories, or appurtenances that are necessary to maintain the capacity or performance during the service life of the system for which the system was designed or constructed.

"Residential Dwelling" means any structure designed for habitation, including but not limited to houses, mobile homes, apartment buildings, condominiums, and townhouses where each dwelling unit contains, at a minimum, sleeping facilities, a toilet, a bath or shower, and a kitchen.

"Sanitary Sewage." See "domestic waste."

"Sanitary Sewer" means a sewer intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, and to which storm, surface and ground waters are not intentionally admitted.

"Sanitary Sewer Cleanout Septage" means sanitary sewage or cleanout residue removed from a separate sanitary sewer collection system that is not land applied and that is transported by a vehicle licensed under Part 117 of Act 451 of the Public Acts of Michigan of 1994 (MCL §§ 324.11701 et seq., as amended; "Septage Waste Servicers") elsewhere within the same system or to a receiving facility that is approved by MDEQ.

"Seepage Pit" means a cistern or underground enclosure constructed of concrete blocks, bricks or similar material loosely laid with open joints so as to allow the overflow or effluent to be absorbed directly into the surrounding soil.

"Septage Waste" means the fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. Septage waste consists only of food establishment septage, domestic septage, domestic treatment plant septage, or sanitary sewer cleanout septage, or any combination of these. Septage waste does not include food establishment septage or any substances or mixture not expressly defined as septage waste in this ordinance.

"Septic Tank" means a watertight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of suspended solids from sewage and to permit such retained solids to undergo decomposition therein.

"Service Area" means:

(a) The entire area within a fifteen-mile radius of the city wastewater treatment plant; to later be set to the state set area of twenty-five mile radius of the city wastewater treatment plant upon the plant reaching treatment capacity for those additional septage wastes.

"Service Connection" means the portion of the public sewer which extends either to or onto the parcel of land adjacent to the path of the public sewer, and

City of Greenville
Sewer Use and Pretreatment Ordinance

includes the sewer main, tee/wye, valve, check valve, connector pipes, the sewer lead, the grinder pump system, electrical controls and connections at the electric meter (but not including the meter) and appurtenances, but not including the building sewer.

"Severe Property Damage" means substantial physical damage to property, or damage to treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean an economic loss caused by delays in production.

"Sewage." See "wastewater."

"Sewer" means any pipe, tile, tube or conduit for carrying wastewater or drainage water.

"Sewer Lead" means that portion of the service connection that connects to the sewer main located in the public right-of-way and extends to the property line.

"Sewer rates, fees and charges" means the rates, fees and charges for use of the POTW as established from time to time by resolution of the City Council. Such rates, fees and charges include debt service charges required to retire debts resulting from capital or other costs incurred to construct, improve, expand, repair, maintain or replace a part of the POTW and sufficient and proportionate use charges required of all users for the cost of POTW operation, maintenance, repair, replacement, and improvement. Surcharges and other rates and fees may also be charged for wastes in amounts or concentrations regarding extra treatment services or costs or as required for exceeding established limits.

"Shall" is mandatory

"SIC" or **"Standard Industrial Classification Code"** means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

"Significant Industrial User" or **"SIU"** means any user:

A. Subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or

B. Any other user that:

(1) discharges to the POTW an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater); or

(2) contributes a process waste stream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) is otherwise designated by the POTW as a Significant Industrial User on the basis that the user has a reasonable potential to adversely affect the operation of the POTW, to violate any pretreatment standard or requirement, or because the POTW determines that a Nondomestic User Permit for the user's discharge is

City of Greenville
Sewer Use and Pretreatment Ordinance

required to meet the purposes and objectives of this Chapter. The POTW Superintendent may determine that a user that meets the criteria of Subsections (B)(1) and (B)(2) of this definition above is not currently an SIU, if the POTW Superintendent finds that the user has no reasonable potential to adversely affect the operation of the POTW, to violate any pretreatment standard or requirement, or that a Nondomestic User Permit is not required to meet the purposes and objectives of this Chapter and as defined in 40 CFR 403.12[a]. A determination that a user is not an SIU (or that a permit is therefore not required) shall not be binding and may be reversed by the POTW Superintendent at any time based on changed circumstances, new information, or as otherwise determined necessary by the POTW Superintendent to meet the purposes and objectives of this Chapter.

“Significant Non-Compliance(SNC)” The event of any one (1) or more of the following having occurred.

A. Chronic violations of Wastewater Discharge limits, defined as where 66% or more of all the measurements accepted by the City taken for the same Pollutant parameter during a six (6) month period exceed (by any magnitude) any applicable maximum limit including an Instantaneous Limit.

B. Technical Review Criteria (TRC) violations, defined as where 33% or more of all the measurements accepted by the City for each Pollutant parameter taken during a six (6) month period equal or exceed the product of any applicable TRC (1.4 for BOD, TSS, fats, oil and grease; and 1.2 for any other Pollutant except pH).

C. Any other violation of a Pretreatment limit that the Superintendent determines has caused, alone or in combination of other Discharges, Interference or Pass Through, or endangerment of the health of WWTP personnel or the general public.

D. Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of it's emergency authority to halt or prevent such Discharge under 40 CFR 403.8(f)(1)(vi)(B).

E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order (administrative or judicial) for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within thirty (30) days after the due date, required reports, including, without limitation, such reports as BMR's, ninety (90) day Compliance Reports, Periodic Self-Monitoring Reports, and reports on compliance with compliance schedules.

G. Failure to accurately or fully report non-compliance.

City of Greenville**Sewer Use and Pretreatment Ordinance**

H. Any other violation or group of violations, which may include violation(s) of BMP's which the City determines will, or has, an adverse affect on the operation of the Wastewater System or implementation of the local Pretreatment program.

I. Any other violation which meets one (1) or more of the listed criteria to assure compliance as set forth in 40 CFR 403.8(f)(2)(vii).

"Sludge" means accumulated solid material separated from liquid waste as a result of the wastewater treatment process.

"Slug Discharge" means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

"State" means the State of Michigan. The term shall include, where applicable, any administrative agency of the State having jurisdiction in the subject matter of this Chapter, including (but not limited to) the MDEQ.

"Storm Sewer" or **"Storm Drain"** means a sewer or drain, either natural or artificial, intended to carry storm water, snowmelt, and surface runoff and drainage, but not wastewater.

"Storm Water" means any flow (such as storm water runoff, snow melt runoff, and surface runoff and drainage, but excluding wastewater) occurring during or following, and resulting from, any form of natural precipitation, and is that portion of flow in excess of that which infiltrates into the soil of the drainage area.

"Surcharge" means the additional charges made by the POTW for the treatment of wastewater containing pollutants in excess of specified concentrations, loadings or other applicable limits, or for other purposes specified by this Chapter.

"Suspended Solids" (SS) or **"Total Suspended Solids" (TSS)** means solids that float on the surface of, or are suspended in, water, wastewater, or other liquids and which can be removed by laboratory filtering or other standard methods.

"Time-proportional Composite Sample" means a combination of individual samples of equal volume taken at equal intervals of time, without consideration of the volume or rate of flow.

"Toxic Pollutant" means any pollutant or combination of pollutants that is or can potentially be harmful to the public health, the POTW, or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the MDEQ, or as provided by local, state or federal laws, rules or regulations.

"Trucked or Hauled Waste or Pollutants." Any waste or wastewater proposed to be discharged to the POTW from a mobile source, including, without limitation, holding tank waste, septage waste or leachate.

"Trunk Line" means the main public sewer line located under any street or within any public right-of-way that collects and transmits the sewage of the various properties served by the sewer system.

City of Greenville
Sewer Use and Pretreatment Ordinance

“ug/l” means micrograms per liter.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof and as further defined in 40 CFR 403.16.

“User” means any person who contributes, causes or permits the contribution, introduction or discharge of wastewater into the POTW, whether intentional or unintentional, and whether directly or indirectly.

“User Permit” means a Nondomestic User Permit or a General User Permit.

“Wastewater” means the liquid and water-carried industrial or domestic waste from residential dwellings, commercial buildings, industrial facilities, and institutions (including, without limitation, contaminated groundwater and landfill leachate), whether treated or untreated, that is contributed, introduced or discharged into the POTW. The term includes any water that has in any way been used and degraded or physically or chemically altered.

“Wastewater System” means the WWTP as well as all Public Sewers and other facilities owned by or over which the City has operational responsibility and control for collecting, sampling, monitoring and pumping Wastewater.

“Wastewater Treatment Plant or WWTP” The City of Greenville's WWTP, located at 205 E. Fairplains, Greenville, MI. 48838.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

“Waters of the State” means all rivers, 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 of Michigan or any portion thereof, and as otherwise specified by applicable laws and regulations.

“Waters of the United States” means all waters as defined by 40 CFR 122.2 and as otherwise specified by applicable laws and regulations.

“Wye Branch” means a local service connection to the sewer that is made at an angle similar to a “Wye” so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

City of Greenville
Sewer Use and Pretreatment Ordinance

Division 2. Use of Public Sewers Required

Sec. 44-118. Unlawful Deposition

It shall be unlawful for any person to place, deposit or permit to be deposited, any human or animal excrement, garbage, wastewater pollutants, or other objectionable waste, upon or below, the surface of public or private property within the jurisdiction of the City, except by discharging such wastewater into an approved connection to a public sanitary sewer where available or an approved private wastewater disposal system.

Sec. 44-119. Discharge Prohibited Without Required Approvals, Permits, and Treatment

Except as otherwise expressly permitted by local, state and federal laws and regulations, and subject to obtaining all required permits and approvals from governmental agencies (including, without limitation, the City, the MDEQ, and the U.S. EPA) and providing any required treatment, it shall be unlawful to discharge, or permit or cause to be discharged, either directly or indirectly:

A. Polluted water, sewage or wastewater to any natural outlet within the City, to any waters of the State (or waters of the United States), or to any public sewer; or

B. Unpolluted water of any kind, including, without limitation, storm water, surface water, groundwater, roof runoff, artesian well water, drainage water (surface or subsurface), industrial non-contact cooling water, air-conditioning water, swimming pool water, or industrial process waters to any sanitary sewer. Unpolluted water may be discharged only to a sewer that is specifically designated as a storm sewer or to a natural outlet, and only if all applicable permits and approvals have first been obtained from the POTW and other governmental bodies or agencies, and only if not prohibited by applicable local, state or federal laws or regulations.

C. If any person drains or discharges any unpolluted water by means of conductors, eaves troughs, roof downspouts, footing drains, or otherwise, directly or indirectly, into a storm sewer, or natural outlet in violation of applicable laws or regulations, or into a sanitary sewer, the POTW shall order its disconnection at the property owner's expense, and if the property owner refuses to obey the order of the POTW, then the POTW shall disconnect the connection and the costs shall be charged to the property owner.

Sec. 44-120. Unlawful Construction

Except as hereinafter provided, and unless specifically authorized by the County Health Department, it shall be unlawful to construct or maintain any privy, privy

City of Greenville
Sewer Use and Pretreatment Ordinance

vault, septic tank, cesspool or other facility intended or used for disposal of wastewater.

Sec. 44-121. Required Connection To Available Sanitary Sewer

The owner of any house, building, structure, premises, or property used for human occupancy, employment, recreation or other purposes, situated within the City, and abutting on any street, easement, alley, or right-of-way, in which there is located, or may in the future be located, a public sanitary sewer within 200 feet of the property line, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Chapter, within ninety (90) days after written notice from the City to do so, unless the same is technically impractical, as determined by the City. No private sewage works may be constructed, repaired or enlarged if any part of said property is within 200 feet of any right-of-way having a public sanitary sewer.

Sec. 44-122. Waste Discharge Prohibited Except Through Approved Sewer Connection

All discharges to a sewer shall be through an approved sewer connection or at another discharge point expressly approved by the City in accordance with this Chapter. No person shall discharge any waste or other substances into a manhole, catch basin or inlet.

Division 3. Private Wastewater Disposal

Sec. 44-123. Private Treatment and Disposal Requirements

If a public sanitary sewer is not available under the provisions of Division 2, or if the City has determined that connection to the public sewer is otherwise impractical, the building sewer shall be connected to a private sewage disposal system complying with all requirements of this Division, the County Health Department, and any other applicable laws and regulations.

A. Before commencement of a private sewage disposal system, the property owner shall first apply to the County Health Department for a soil evaluation test. If the soil evaluation test shows positive results, the property owner shall then apply to the County Health Department for a permit for installation for the proposed sewage system. The application shall include plans, specifications and other information as deemed necessary by the County Health Department. All fees for the soil evaluation test and the permit for installation shall be fully paid by

City of Greenville
Sewer Use and Pretreatment Ordinance

the property owner to the County Health Department when and in the amounts specified by the County Health Department.

B. A permit shall not be issued for any private wastewater disposal system employing subsurface soil absorption facilities if the area of the lot is less than determined necessary by the City, the County Health Department, or the State, as applicable.

C. A permit for a private sewage disposal system shall not become final and effective until the installation is completed to the satisfaction of the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection, and before covering any underground portions. Any person receiving a permit for a private sewage disposal system from the County Health Department shall provide the City with copies of the final approved inspection report issued by the County Health Department.

D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations and requirements of the City, the County Health Department, and the State, as applicable.

E. No septic tank, cesspool, subsurface disposal facility or other private sanitary sewer system shall be permitted to discharge to any public sewer or natural outlet.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

Sec. 44-124. Additional Public Health Requirements

Nothing in this Division shall be construed to interfere with any additional requirements that maybe imposed by the City, the Michigan Department of Public Health, or any other governmental agency.

Sec. 44-125. Public Sewer Becomes Available

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Division 2, a direct connection shall be made to the public sewer in compliance with this Chapter at the user's sole expense; and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of any sludge, abandoned, and filled with clean bank-run gravel or dirt, at the user's sole expense.

City of Greenville
Sewer Use and Pretreatment Ordinance

Division 4. Building Sewers and Connections

Sec. 44-126. Permit Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any part or appurtenance of the sanitary sewer system without first obtaining a written building sewer connection permit from the City.

Sec. 44-127. Building Sewer Connection Permits; Plumbing Permits; Street Openings

The property owner or the owner's agent shall make application for a building sewer connection permit on a form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information determined necessary and appropriate by the City. A connection fee and an inspection fee in the amounts as prescribed by the City from time to time shall be paid to the City Treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit application must be completed. If the plans and specifications are approved by the City, a temporary construction permit shall be issued, subject to a final inspection and approval by the City when construction is completed and ready for connection with the public sewer.

Sec. 44-128. Performance Bonds; Insurance

A. Before any permit is issued by the City for excavating for plumbing or drain laying in any public street, way, or alley, the person applying for the permit may be required to execute and deposit with the City a performance bond with corporate security in the amount of the contracted or estimated work, conditioned upon faithful performance of all work with due care and skill, and in accordance with the laws, rules, and regulations established by the City pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the City and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistake or negligence on the person's part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this Section. The bond shall remain in force and must be executed for a period of one year, except that, upon expiration, it shall remain in force as to all penalties, claims, or damages that may have accrued there under prior to the expiration.

B. The person applying for the permit shall also provide public liability insurance for the protection of the City, the property owner, and all persons, to indemnify

City of Greenville
Sewer Use and Pretreatment Ordinance

them for all damages caused by accidents attributable to the work, with minimum limits of \$1,000,000.00 for one person, \$300,000.00 for bodily injuries per accident, and \$50,000.00 for property damages.

Sec. 44-129. Multiple Buildings; Separate Uses within Buildings

A separate and independent building sewer shall be provided for each building. However, if any existing building is located on an interior lot so that a separate, independent building sewer is not available for the building, and one cannot be constructed to the building through an adjoining alley, courtyard or driveway, more than one building may be served with the same building sewer, subject to approval by the City Manager. In areas where laterals have not been made, or where unusual lot splits have occurred, leaving only one lateral for two properties, joint use of this lateral may be approved by the City Manager with the connection to the City sewer being allowed if determined consistent with the purposes and objectives of this Chapter by the City Manager. Independent building sewers and/or control manholes may also be required for separate uses within a building, as determined necessary by the City Manager. All discharge limits contained in this Chapter shall apply to that portion of the lateral emanating from a single building or from each separate use within a building, as applicable. Compliance with pretreatment standards or local discharge limits prescribed by this Chapter shall be determined based on each separate discharge to the common lateral prior to commingling with discharges from other sources.

Sec. 44-130. Existing Building Sewers

Old building sewers may be used in connection with new buildings only if they are found, on examination and tested by the City to meet all requirements of this Chapter and other applicable laws and regulations. If an inspection by the City reveals that a connection may create a health or environmental hazard, nuisance, or is otherwise inconsistent with the purposes and requirements of this Chapter, the building sewer shall be reconstructed or repaired at the owner's expense.

Sec. 44-131. Construction Specifications

The pipe size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations as specified and determined by the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the

City of Greenville
Sewer Use and Pretreatment Ordinance

American Society for Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply. 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.

Sec. 44-132. Building Sewer Elevation and Location

Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall that might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction shall be made with no less than a forty-five degree bend. Each bend of forty-five degrees or more shall have an accessible cleanout. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that no backfill shall be placed until the City has inspected the work.

Sec. 44-133. Floor Drains; Backflow Valve Devices

Floor drains connected to the building sewer shall be required for all basements or cellars if the elevation of the public sanitary sewer will service the building. All required floor drains shall have check valves or backflow preventers that meet current laws and regulations as determined by the City.

Sec. 44-134. Low Building Sewers

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by artificial means and discharged to the building sewer, at the owner's expense, and subject to approval by the City.

Sec. 44-135. Connection Specifications

The connection of the building sewer into the sanitary sewer system shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas-tight and watertight. All connections and joints, and any deviation from the prescribed procedures and materials, must be approved by the City before installation. The connection of the building sewer into the public sewer shall be made at the wye branch designated for the property if such branch is available at

City of Greenville
Sewer Use and Pretreatment Ordinance

a suitable location. Any connection not made at the designated wye branch in the main sewer shall be made only as directed by the City.

Sec. 44-136. Notification; Building Sewer Inspection

The applicant for the building sewer connection permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City.

Sec. 44-137. Protection and Restoration

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from any hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the expense of the owner.

Sec. 44-138. Capacity Required

Connection to a public sewer will not be allowed unless there is capacity available (in both wastewater volume and strength) at the POTW Treatment Plant and in all downstream sewers, pump stations, interceptors, and force mains, including, but not limited to, adequate capacity to accept, treat and dispose of BOD, TSS, or similar materials as required by applicable local, state or federal laws, rules or regulations, as determined by the POTW.

Sec. 44-139. Connection to Sources of Runoff Prohibited

No person shall connect (or allow to remain connected) roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer. Any such connection shall be permanently disconnected at the sole expense of the owner of the premises.

Sec. 44-140. Pretreatment Of Any Discharge May Be Required

Pretreatment of any discharge to the public sewer, including, but not limited to, grease, oil, and sand interceptors, shall be provided when, in the opinion of the POTW, they are necessary.

Division 5. Conditions of Service**Sec. 44-141. Responsibilities and Liabilities For Private Sewer Lines**

A. All costs and expenses incident to the installation, connection, maintenance, and repair of a building sewer, lateral sewer, and any other private sewer lines