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location, elevation and points or places of discharges into the POTW, storm sewer, or receiving waters;

**O.** A flow schematic drawing showing which connections receive each national categorical process wastestream or other process wastestreams, and which connections receive storm water, sanitary water or cooling water;

**P.** A schematic drawing showing which sewers handle each combined wastestream.

**Q.** Each product produced by type, amount, process or processes and the rate of production as pertains to processes subject to production-based limits under national categorical standards or requirements shall be specified.

**R.** Actual or proposed hours of operation of each pretreatment system for each production process.

**S.** A description and schematic drawing showing each pretreatment facility, identifying whether each such facility is of the batch type or continuous process type.

**T.** If other than potable water is used, identification of the user's source of intake water together with the types of usage and disposal method of each water source and the estimated wastewater volume from each source.

**U.** A statement certified by a qualified professional regarding whether the requirements of this Chapter and the national categorical pretreatment standards and requirements are being met on a consistent basis; and if not, what additional operation and maintenance work and/or additional construction is required for the user to comply with applicable standards and requirements.

**V.** A list of all environmental permits (and, if requested by the City, a copy of any environmental permit) held by the user applicable to the premises for which the User Permit is being sought.

**W.** Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable federal, state and local pretreatment standards and requirements. If additional O&M or additional pretreatment will be required to meet the applicable standards and requirements, then the user shall indicate the shortest time schedule necessary to accomplish installation or adoption of the additional O&M and/or pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

**(1)** The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (including, without limitation, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for

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major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment referred to above shall exceed 9 months, nor shall the total compliance period exceed 18 months.

(2) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than two months elapse between submissions of the progress reports to the POTW.

X. Any other information determined necessary by the POTW to adequately evaluate the application. To the extent that actual data is not available for a new source, the applicant shall supply estimated or expected information.

Y. All applications (and reapplications) shall be signed and certified by an "authorized representative" of the user as defined by this Chapter.

Z. All applications should include MSDS's for larger volumes of chemicals and wastes and any others that may pose a hazard or pass through potential to the POTW.

**Sec. 44-155. Permit Issuance, Denial, or Determination that Permit not Required**

A. The POTW shall evaluate the application information furnished by a user and may require additional information as necessary to complete and properly review the application. No action shall be taken by the POTW on an application (and the 120 day review period as provided by this subsection shall not begin to run) until the application is determined to be complete by the POTW Superintendent. Within 120 days after the submission of a complete application (unless the POTW and the applicant agree to extend this time period), the POTW shall either issue a User Permit subject to terms and conditions provided by this Chapter, deny the application, or determine that a permit is not required as provided by this Chapter.

B. A User Permit may be denied by the POTW:

(1) If the POTW determines that the proposed discharge, or continued discharge, will not comply with all applicable standards and requirements of this Chapter;

(2) If the user refuses, fails or declines to accept the terms and conditions of a permit as proposed to be issued by the POTW;

(3) For any reason that would support a suspension or revocation of the permit as provided by this Chapter.

(4) If the POTW determines that the POTW cannot adequately or reasonably treat the user's discharge (due to insufficient capacity, the quality or quantity of the pollutants, available POTW resources etc.);

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- (5) If the POTW is not satisfied that the user has not taken all reasonable steps to prevent, minimize or reduce pollutants in the user's discharge;
- (6) To prevent the discharge of pollutants into the POTW, singly or in combination with other pollutants, for which there is a reasonable potential, as determined by the City, to:
  - (a) Not meet applicable pretreatment standards and requirements;
  - (b) Interfere with the operation of the POTW;
  - (c) Pass through the POTW into the receiving waters or the atmosphere;
  - (d) Inhibit or disrupt the POTW's processing, use, or disposal of sludge;
  - (e) Cause health or safety problems for POTW workers; or
  - (f) Result in a violation of the POTW's NPDES permit or of other applicable laws and regulations;
- (7) If the POTW determines that there is not, or will not be, sufficient capacity available (in both wastewater volume and strength) for a proposed discharge in all downstream sewers, pump stations, interceptors, and force mains, including, but not limited to, adequate capacity to accept, treat and dispose of CBOD, TSS, or similar materials as required by applicable local, state or federal laws, rules or regulations; or
- (8) For any other reason determined by the City as necessary and appropriate to protect the POTW or to meet the purposes and intent of this Chapter.

**Sec. 44-156. Permit Conditions**

**A.** User Permits shall be subject to all provisions of this Chapter and all other applicable regulations, user charges, and fees established by the POTW.

Further, User Permits incorporate by reference all provisions, regulations and requirements of the Ordinance without setting them forth in full therein.

**B.** Nondomestic User Permits shall at a minimum include all of the conditions required by MAC 323.2306(a)(iii). In addition, User Permits shall include any conditions determined reasonably necessary by the City to prevent pass through or interference, to protect the quality of the receiving waters, to protect worker health and safety, to facilitate POTW sludge management and disposal, to protect ambient air quality, to protect against damage to the POTW, or to otherwise achieve the objectives of this Chapter, including, but not limited to, the following:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
- (2) Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.
- (3) Requirements for installation of pretreatment technology or construction of appropriate containment devices, or similar requirements designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (4) Development and implementation of slug discharge control plans, spill control

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plans, or other special conditions, including additional management practices necessary to adequately prevent accidental or unanticipated discharges.

(5) Requirements for installation, maintenance, repair, calibration and operation of inspection and sampling facilities and discharge flow monitors.

(6) Specifications for monitoring programs which shall include, but are not limited to, sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(7) Compliance schedules.

(8) Requirements for submission of technical reports or discharge reports.

(9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the POTW and affording the POTW access to those records.

(10) Requirements for notifying the POTW if self-monitoring indicates a violation as provided by Section 44-170. of this Chapter, and for repeat sampling and analysis as provided by Section 44-183. of this Chapter.

(11) Requirements for notification of any new introductions of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the POTW, including listed or characteristic hazardous waste for which the user has submitted initial notification under MAC R 323.2310(15).

(12) Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee.

(13) Requirements for notification of accidental or slug discharges, or discharges that exceed a discharge prohibition.

(14) Requirements for notification and need for prior approval from the POTW Superintendent for any proposed change in a sampling location.

(15) A statement regarding limitations on transferability of the permit.

(16) A statement of the duration of the permit.

(17) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable pretreatment standards and requirements, including those that become effective during the term of the permit.

(18) Requirements for a written certification signed by the permittee that acknowledges that the permittee has read and fully understands all terms and conditions of the permit; and acknowledges that the permittee accepts all of the terms and conditions of the permit as written and accepts full responsibility for complying with the permit as approved.

(19) A statement of applicable civil and criminal penalties for violation of discharge limitations, pretreatment standards and requirements, and compliance schedules.

(20) Requirements regarding development by a user of a pollutant prevention,



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minimization or reduction plan (e.g., for mercury) or requirements regarding use of best management practices to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances to the POTW, or otherwise meet the purposes, policies and objectives of this Chapter.

**(21)** Other conditions as determined necessary by the POTW Superintendent to ensure compliance with this Chapter and other applicable laws, rules and regulations. If the POTW determines that a user is discharging substances of a quality, in a quantity, or in a location that may cause problems to the POTW or the receiving stream, the POTW has the authority to develop and enforce effluent limits applicable to the user's discharge.

**Sec. 44-157. Permit Modifications**

A User Permit may be modified by the POTW at any time and for any reason determined necessary by the City to assure compliance with the requirements of this Chapter and other applicable laws and regulations, including, without limitation, any of the following reasons:

- A.** To incorporate any new or revised federal, state or local pretreatment standards or requirements, or other applicable requirement of law or regulation.
- B.** Material or substantial changes or additions to the permittee's operations, processes, or the character or quality of discharge that were not considered in drafting or issuing the existing permit. It shall be the duty of a user to request an application form and to apply for a modification of the permit within 30 days of any such change(s). The POTW may modify a permit on its own initiative based on its findings or upon reasonable cause to believe that any such change(s) has occurred or threatens to occur.
- C.** A change in any condition in the permittee's discharge, facility, production or operations, or in the POTW, that requires either a temporary or permanent reduction or elimination of the permittee's discharge to assure compliance with applicable laws, regulations or the POTW's NPDES permit.
- D.** Information indicating that the permitted discharge poses a threat to collection or treatment systems; the POTW's processing, use, or disposal of sludge; POTW personnel; or the receiving waters.
- E.** Violation of any terms or conditions of the user's permit.
- F.** Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required report or notice.
- G.** Revision of, or a grant of a variance from, applicable categorical standards pursuant to 40 CFR 403.13.
- H.** To correct typographical or other errors in the permit.
- I.** To reflect transfer of the facility ownership and/or operation to a new owner or operator.
- J.** To add or revise a compliance schedule for the permittee.
- K.** To reflect changes or revisions in the POTW's NPDES permit.

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**L.** To ensure POTW compliance with applicable sludge management requirements promulgated by EPA.

**M.** To incorporate any new or revised requirements resulting from reevaluation of the POTW's local limits.

**N.** To incorporate a request for modification by the permittee, as determined appropriate by the POTW and provided the request does not create a violation of any applicable requirement, standard, law, rule or regulation. The permittee shall be informed of any changes in the permit at least 30 days prior to the effective date of the change, unless a shorter time is determined necessary by the POTW to meet applicable laws, to protect human health or the environment, or to facilitate an enforcement action

**Sec. 44-158. Permit Duration**

**A.** Nondomestic User Permits shall be issued for a specified time period, not to exceed 5 years, subject to modification, reissuance, suspension or revocation as provided by this Division. At the discretion of the POTW, a Nondomestic User Permit may be issued for a period less than 5 years and may be stated to expire on a specific date.

**B.** General User Permits may be issued for any time period determined appropriate by the City, subject to modification, reissuance, suspension or revocation as provided by this Division.

**Sec. 44-159. Permit Reissuance**

**A.** To apply for reissuance of an existing User Permit, a user must submit a complete permit application to the POTW accompanied by payment of an application fee at least 90 days prior to the expiration of the user's existing permit (or at least 180 days prior to the expiration of a 5 year permit) . The application shall be submitted in a form prescribed by the POTW. It shall be the responsibility of the user to make a timely application for reissuance.

**B.** All User Permits issued to a particular user are void upon the issuance of a new User Permit to that user.

**Sec. 44-160. Continuation of Expired Permits**

An expired User Permit will continue to be effective until the permit is reissued only if:

**(a)** the user has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit (or at least 180 days prior to the expiration date of a 5 year permit); and

**(b)** the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the user: provided, however, in no case may a permit continue for a period of more than 5 years from the date of

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issuance. In all other cases, discharge to the POTW following expiration of a permit is unlawful.

**Sec. 44-161. Permit Suspension and Revocation**

User Permits may be suspended or permanently revoked by the POTW for any reason determined necessary by the POTW to assure compliance with the requirements of this Chapter, the POTW's NPDES permit, or other applicable laws and regulations, including, without limitation, any of the following reasons:

- A.** Falsifying self-monitoring reports.
- B.** Tampering with monitoring equipment.
- C.** Failure to allow timely and reasonable access to the permittee's premises and records by representatives of the POTW for purposes authorized by this Chapter, including, without limitation, inspection or monitoring.
- D.** Failure to meet effluent limitations.
- E.** Failure to pay fines or penalties.
- F.** Failure to pay sewer charges.
- G.** Failure to pay permit fees.
- H.** Failure to meet compliance schedules.
- I.** Failure to comply with any term or condition of the permit, an order, the requirements of this Chapter, or any final judicial order entered with respect thereto.
- J.** Failure to comply with any reporting or notice requirement.
- K.** Failure to disclose fully all relevant facts in the permit application or during the permit issuance process, or misrepresentation of any relevant fact at any time.
- L.** Failure to complete a wastewater survey or the User Permit application.
- M.** As determined by the POTW, the discharge permitted by the permit has a reasonable potential to endanger human health or the environment and the threat can be abated only by suspension or revocation of the permit. Upon suspension or revocation of a permit, a user shall immediately terminate its discharge to the POTW and shall not thereafter recommence discharge without further authorization from the POTW Superintendent as provided by this Chapter. The POTW may reissue a revoked permit upon a showing satisfactory to the POTW Superintendent that the permittee has corrected the violation or condition that led to the revocation. A person who has had a permit revoked may apply for a new permit.

**Sec. 44-162. Limitations on Permit Transfer**

- A.** A User Permit is issued to a specific user for discharge from a specific facility and operation and shall not be assigned or transferred or sold to a new or different owner, operator, user, discharger, facility or premises, or to a new or changed facility or operation, without the prior written approval of the POTW. If

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the transfer of a permit is approved, any succeeding transferee permittee must also comply with the terms and conditions of the existing permit. The POTW shall approve the transfer of a permit only if all of the following conditions are met:

(1) The transferor (permittee) shall give at least 60 days advance notice to the POTW of the proposed transfer of the permit (unless a shorter notice period is approved by the POTW in advance). The notice shall include a written certification signed by the proposed transferee that (a) states that the transferee has no present intent to change the facility's operations and processes; (b) identifies the specific date on which the transfer is to occur; (c) acknowledges that the transferee has read and fully understands all terms and conditions of the permit; and (d) acknowledges that the transferee accepts all of the terms and conditions of the permit as written and accepts full responsibility for complying with the existing permit if the transfer is approved.

(2) As of the date of the proposed transfer, there are no unpaid charges, fines, penalties or fees of any kind due to the POTW from the transferor or the transferee related to use of the POTW.

(3) Except as to the identity of the new discharger (the transferee), the application materials for the permit to be transferred as originally filed by the transferor, as well as the terms and conditions of the permit itself, are completely accurate with respect to, and fully applicable to, the discharge, facilities, and activities of the transferee.

(4) The permit transfer fee as established by the POTW has been paid to the City.

**B.** If the transfer of a permit is approved and the permit transfer fee has been paid to the City, the POTW shall make the necessary minor modifications to the permit to show the transferee as the permittee, and a copy of the permit shall be provided to the transferee for signature and certification by the transferee as provided by Section 44-177. of this Chapter. The transferor (permittee) shall remain liable for any discharges to the POTW from the facility (along with any other persons actually discharging from the facility to the POTW) until a transfer of the permit has been approved as provided by this Section.

**C.** This Section is not intended to, and shall not be construed to, limit in any way the transfer of ownership of the property involved.

**D.** Any attempt to transfer a User Permit that does not comply with the requirements of this Section renders the permit void as of the date of the invalid transfer.

**Sec. 44-163. Duty to Provide Information**

Users shall furnish to the POTW any available information that the POTW requests to determine whether cause exists for modifying, revoking and reissuing, or terminating a User Permit, to determine compliance with a permit, to



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determine whether a permit is required, or as otherwise determined necessary by the POTW. Users shall also, upon request, furnish to the POTW copies of any records required to be kept by a permit. The information and records requested by the POTW shall be provided by the user to the POTW within 24 hours of the request, unless an alternative time frame is specified by the POTW when making the request or unless the POTW allows additional time for the user to submit the requested information based on a showing by the user of good cause for any delay. The user's failure to submit the requested information to the POTW within 24 hours (or within any alternate time period approved by the POTW as provided by this Section) shall constitute a violation of this Chapter.

**Sec. 44-164. Permit Appeals**

Except as otherwise provided by this Section, an appeal to the Wastewater Board of Appeals ("WBA") of any final decision made by the City in connection with issuing or implementing a User Permit shall be governed by Division 19 of this Chapter. An appealing party must specify in its notice of appeal the action of the POTW being appealed and the grounds for the appeal. If a particular permit provision is objected to, the notice of appeal must specify the reasons for the objection, and the alternative provision, if any, sought to be placed in the permit. The effectiveness of a permit or any final decision made by the City shall not be stayed pending a decision by the WBA. If, after considering the record on appeal including any statements provided by the POTW in response to the appeal, the WBA determines that a permit or any provision of a permit should be reconsidered, the WBA shall remand the matter to the City Manager for further action as determined appropriate by the WBA. Specific provisions of a permit that are remanded by the WBA for reconsideration by the City Manager shall be stayed pending further final action taken by the City Manager as required by the decision of the WBA. A decision of the WBA not to remand any matter shall be considered final administrative action for purposes of judicial review.

**Sec. 44-165. Permits Not Stayed**

Except as otherwise expressly provided by Section 44-164., no action taken or request filed by any permittee shall operate to stay the effect of any permit or of any provision, term or condition of any permit, including, without limitation, a request for permit modification, reissuance, or transfer, or a notification of planned changes or anticipated noncompliance.

**Sec. 44-166. Permit Fees**

User Permit fees shall be established, paid and collected as provided by this Division and Division 24.

**Division 8. Reporting and Notice Requirements**

All users shall comply with the minimum reporting and notice requirements provided by this Division, as follows:

**Sec. 44-167. Reports By Nondomestic Users Regarding Categorical Pretreatment Standards and Requirements**

**A. Baseline Monitoring Reports.** Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under MAC R 323.2311(2) whichever is later, an existing Nondomestic User subject to the categorical pretreatment standards and that currently discharges or is scheduled to discharge to the POTW shall submit a report to the POTW as required by MAC R 323.2310(2). At least 90 days prior to commencement of discharge, new sources, and sources that become Nondomestic Users subsequent to the promulgation of an applicable categorical pretreatment standard shall submit the reports to the POTW as required by MAC R 323.2310(2). Any changes to the information required to be submitted by a Nondomestic User pursuant to MAC R 323.2310(2)(a) through (e) shall be submitted by the user to the POTW within 60 days of when the user becomes aware of the change.

**B. Reports on Compliance with Categorical Pretreatment Standard Deadline.** Within 90 days following the date for final compliance with applicable categorical pretreatment standard or, in the case of a new source, following commencement of the discharge to the POTW, any Nondomestic User subject to categorical pretreatment standards and requirements shall submit the reports to the POTW required by MAC R 323.2310(3).

**C. Periodic Reports on Continued Compliance.** Any Nondomestic User subject to a categorical pretreatment standard, after the compliance date of the categorical pretreatment standard, or, in the case of a new source, after commencement of the discharge into the public sewer or POTW, shall submit the periodic reports to the POTW required by MAC R 323.2310(4). These periodic reports shall be submitted at least once every 6 months (during the months of April and October unless alternate months are approved by the POTW), unless required more frequently by the applicable pretreatment standard, by the POTW, or by the State. The reports shall include a record of all average and maximum daily flows during the prior 6 month reporting period, except that the POTW may require more detailed reporting of flows. All flows shall be reported on the basis of actual measurement unless the POTW agrees, due to cost or non-feasibility,

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to accept verifiable estimates of the average and maximum flows estimated using techniques approved by the POTW. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the POTW, provided there has been no change to the elements composing the combined wastestream. The results of sampling of the discharge and analysis of pollutants appearing in the report shall be cross-referenced to the related flow and mass to determine compliance with National Categorical Pretreatment Standards. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the POTW or the Pretreatment Standard necessary to determine the compliance status of the user.

**Sec. 44-168. Reports Required for Nondomestic Users Not Subject to Categorical Pretreatment Standards**

- A.** All Nondomestic Users not subject to categorical pretreatment standards shall submit to the POTW periodic reports providing information regarding the quality and quantity of wastewater and pollutants discharged into the POTW (including, without limitation, information regarding the nature, concentration (or mass), and flow of the discharge). These reports shall be based on sampling and analysis performed in the period covered by the report in accordance with the sampling, analysis and monitoring requirements provided by Division 9 of this Chapter.
- B.** For Significant Industrial Users, the reports shall be submitted at least once every 6 months for the preceding 6 months (during the months of April and October unless alternate months are specified by the POTW), unless required more frequently by the POTW.
- C.** If required by the POTW for Nondomestic Users other than Significant Industrial Users, the reports shall be submitted at least once every 12 months for the preceding 12 months (during the month of October unless an alternate month is specified by the POTW), unless required more frequently by the POTW.
- D.** The reports for all Nondomestic Users shall be submitted on forms provided by (or in a format required by) the POTW, and shall include, without limitation, the volume of wastewater; the concentration of pollutants; the names of all person(s) responsible for operating and maintaining any pretreatment equipment, pretreatment processes, or responsible for wastewater management at the user's facilities, with a brief description of each person's duties; information regarding materials or substances that may cause interference or pass through; and any other information deemed necessary by the POTW to assess and assure compliance with applicable discharge requirements or to safeguard the operation of the POTW.

**Sec. 44-169. Notice by User of Potential Problems**

All Nondomestic Users, whether or not subject to categorical pretreatment standards, shall notify the POTW immediately by telephone of all discharges by the user that could cause problems to the POTW, including, without limitation, accidental discharges, slug loadings, discharges of a non-routine, episodic nature, non-customary batch discharge, or discharges that exceed a discharge prohibition or limitation provided by this Chapter. The notification shall include available information regarding the location of the discharge, its volume, duration, constituents, loading and concentrations, corrective actions taken and required, and other available information as necessary to determine what impact the discharge may have on the POTW. A detailed written report providing the same and any additional available information (including specifying the measures that will be taken by the user to prevent similar future discharges) shall also be provided by the user to be received by the POTW Superintendent within 5 days of the incident.

**Sec. 44-170. Notice by User of Violation of Pretreatment Standards**

If sampling performed by a Nondomestic User indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation (and shall comply with other applicable requirements provided by Section 44-183 regarding repeat sampling and analysis).

**Sec. 44-171. Notice by User of Changed Discharge or Change in User Status**

**A.** A Nondomestic User shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in its discharge, or of any facility expansion, production increase, or process modifications that could result in a substantial change in the volume or character of pollutants in its discharge.

**B.** For purposes of this Section, "promptly" means as soon as reasonably possible, but in no event less than 60 days before the change.

**C.** For purposes of this Section, "substantial change" includes, without limitation, any of the following:

- (1)** The discharge of any amount of a pollutant not identified in the user's permit application or in the permit issued.
- (2)** An increase in concentration (or degree) of any pollutant that exceeds 10% of the concentration (or degree) for the pollutant as indicated in any report required under Section 44-167. or 44-168.;
- (3)** An increase in discharge volume that exceeds 20% of the volume as indicated in any report required under Section 44-167. or 44-168.
- (4)** Any increase in the amount of any hazardous wastes discharged, including,



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without limitation, the hazardous wastes for which the user has submitted initial notification under Section 44-172 of this Chapter.

(5) The discharge of any ground waters purged for a removal or remedial action.

(6) The discharge of any pollutants that are present in the discharge due to infiltration.

(7) A change in discharge that may convert a Nondomestic User into a Significant Industrial User, or a Nondomestic User into a Categorical User.

(8) A change in discharge that would cause a change in the categorical standards that apply to the user.

D. In determining whether to accept any changed discharge, or, if so, under what conditions, the POTW shall evaluate the changed discharge pursuant to the general and specific discharge prohibitions under Section 44-145. and other applicable provisions of this Chapter. The user may be required to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a User Permit application.

E. No user shall implement the planned changed conditions until and unless the City Manager or his/her designee has responded to the user's notice.

F. This Section shall not be construed to authorize a discharge that exceeds a discharge prohibition or limitation provided by this Chapter or a permit.

**Sec. 44-172. Notice By User Regarding Wastes That Are Otherwise Hazardous**

Any Nondomestic User that discharges to the POTW a substance that, if disposed of other than by discharge to the POTW, 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) shall notify the City Manager, the POTW Superintendent, the U.S. EPA Region V Waste Management Division Director, and the State hazardous waste authorities of the discharge as required by MAC R 323.2310(15).

**Sec. 44-173. Notice by User Regarding Installation of New Pretreatment Facilities**

Within 5 days after completing installation of new pretreatment facilities, the user shall notify the POTW Superintendent in writing of the time and date when it intends to commence operation of the new facilities, and the identity of the person who will conduct any tests to be performed. The pretreatment facilities shall not be placed in regular operation until adequate tests have been conducted to establish that the discharges will comply with the requirements of this Chapter and other applicable laws and regulations. The user shall allow a representative of the POTW to observe the tests at the time they are conducted. The cost of the tests shall be paid by the user.

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**Sec. 44-174. Notice of Intent**

**A.** At least 60 days before commencing or changing a discharge, each of the following persons shall submit a Notice of Intent to the POTW for approval by the Superintendent.

**(1)** A person proposing to discharge any nondomestic wastewater not previously reported to the POTW.

**(2)** A person taking possession or control of an existing facility that discharges or may discharge process wastewater into the POTW.

**(3)** A person constructing a new facility that will discharge process wastewater into the POTW.

**(4)** A person commencing or modifying a discharge of hazardous wastes that requires reporting under Section 44-172.

**B.** The Notice of Intent shall be submitted in writing on a form provided by the POTW and shall be accompanied by a payment of any fees established by the City. It shall include sufficient information to allow the City to evaluate the effect of the proposed discharge on the POTW and operations and to assure compliance with this Chapter.

**Sec. 44-175. Other Reports and Notices Required by this Division or by Other Applicable Laws and Regulations**

Users shall comply with all other reporting or notice requirements as provided by this Chapter, by any notice, order or permit issued under this Chapter, or as required by any other applicable law or regulation, including, without limitation, the reporting and notice requirements in connection with accidental discharge (Division 10), upset (Division 11), bypass (Division 12), and any other reports or notice requirements determined necessary by the POTW to assess and assure compliance with the requirements of this Chapter.

**Sec. 44-176. Requirements Applicable to All Required Reports, Notifications, and Applications**

All reports, notifications, and applications submitted by a user to the POTW as required by this Chapter (or by any order, permit or determination issued or made pursuant to this Chapter) shall meet the following requirements:

**A.** All reports, notifications, applications and requests for information required by this Chapter shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, notification, application or request. The data shall be representative of conditions occurring during the applicable reporting period. If a pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the POTW or the applicable standard to determine compliance with the standard.

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- B.** If a user monitors any pollutant (or measures flow) more frequently than required by this Chapter or a User Permit, using the monitoring, sampling and analytical procedures as required by Section 44-178, the results of all such additional monitoring shall be included in any report or notification submitted pursuant to this Chapter.
- C.** The POTW Superintendent may require that reports, notifications, and other required documents and data be submitted in a standardized format, as specified by the POTW Superintendent.
- D.** If the POTW instead of a user collects all of the information, including flow data, required for a report required by Sections 44-167. or 44-168., the POTW Superintendent may in his or her discretion waive the requirement that the report be submitted by the user.
- E.** The reports, notifications, and other documents and data required to be submitted or maintained by this Chapter shall be subject to all of the provisions as specified by MAC R 323.2310(13).
- F.** Written reports, notifications, and applications will be deemed to have been submitted to the POTW, unless otherwise specified by the City, as follows:
- 1.** If mailed, on the date postmarked.
  - 2.** The date of receipt of the report shall govern for reports, notifications, or applications which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, including, but not limited to, reports, notifications, or applications that are hand-delivered, faxed, or emailed.
  - 3.** Written reports, notifications, and applications may be submitted to the POTW by fax or email (or by any means other than mail or hand-delivery) only with the prior approval of the POTW on a case-by-case basis. The report or notification shall be sent to the fax number or email address specified by the POTW.
- G.** All written reports, notifications, and applications submitted by mail or hand-delivery shall be sent or delivered to the address stated in the User Permit, or if there is no User Permit, then to the following address:
- City of Greenville  
Wastewater Treatment Plant  
411 S. Lafayette Street  
Greenville, MI 48838  
Attn: WWTP Superintendent
- H.** Failure to provide the reports, notifications, and applications required by this Chapter constitutes an independent violation of this Chapter. However, compliance with applicable reporting and notification requirements shall not relieve a user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report or notification relieve a user of any fines, penalties, or other liability that may be imposed by applicable laws or regulations. Further, the reporting and notification requirements required by this Chapter shall

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not be construed to authorize a discharge that exceeds a discharge prohibition or limitation under this Chapter or other applicable laws or regulations.

**Sec. 44-177. Signature and Certification Requirements**

All written reports, notifications, and applications required by this Chapter shall be signed and certified as follows:

**A. Required Signatures.** The reports, notifications, and applications shall be signed by an "authorized representative" of the user as defined in Section 1.2 of this Chapter.

**B. Required Certification.** The reports, notifications, and applications shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**C. Exception.** If the POTW elects to perform instead of the user all or any portion of the sampling or analysis otherwise required for a report or notification, the user will not be required to comply with the certification requirements for the sampling and analysis (or portion thereof) performed by the POTW.

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**Division 9. Sampling, Analysis and Monitoring Requirements**

This Division provides the sampling, analysis and monitoring requirements applicable to users of the POTW. It does not apply to Domestic Users except as may be determined appropriate in specific cases by the POTW. All users required by this Chapter (or by any permit, order, decision or determination issued or made under this Chapter) to sample, monitor and analyze their discharges to the POTW shall do so according to the minimum requirements provided by this Division. Additional or more restrictive sampling, analytical or monitoring requirements may be required for a particular user by a permit, order, decision or determination issued or made under this Chapter.



**Sec. 44-178. Sampling and Analytical Techniques and Procedures**

All sampling, measurements, tests, and analyses of the characteristics of discharges to the POTW shall be performed in accordance with the procedures approved by the U.S. EPA contained in 40 CFR Part 136. If, as determined by the POTW Superintendent, the sampling and analytical techniques contained in 40 CFR Part 136 are not available, do not apply to the discharge or pollutants in question, are not appropriate under the circumstances for application to the discharge or pollutants in question, or where one or more alternate techniques are available under 40 CFR Part 136, sampling and analysis shall be performed using validated sampling and analytical methods and procedures approved or required by the POTW Superintendent.

**Sec. 44-179. Sampling Frequency**

Users shall sample their discharges to the POTW at a frequency necessary to assess and assure compliance with the requirements of this Chapter, any permit or order issued pursuant to this Chapter, all applicable pretreatment standards and requirements, other applicable state and federal laws and regulations, or as otherwise determined necessary by the POTW Superintendent consistent with the purposes and intent of this Chapter. At a minimum, all Significant Industrial Users shall sample their effluent 2 times per year (once every 6 months) or as often as provided by their permits, whichever is more frequent, and report the results to the POTW. Each discharge point to the POTW shall be sampled and reported individually.

**Sec. 44-180. Sample Types**

Where representative samples are required to be taken for facilities for which historical sampling data does not exist (or if otherwise requested by the POTW Superintendent), a user shall take a minimum of 4 grab samples for pH, temperature, cyanide, phenols (T), residual chlorine, oil and grease, sulfide, and volatile organics (and any other parameters designated by the POTW Superintendent), unless a greater number of grab samples is required in advance by the POTW Superintendent. For facilities for which historical sampling data is available, or under other circumstances determined appropriate by the POTW Superintendent, the POTW Superintendent may authorize a lower minimum number of grab samples. In all cases, users shall take the minimum number of grab samples determined necessary by the POTW to assess and assure compliance by users with applicable pretreatment standards and requirements. Grab samples may be required to show compliance with instantaneous minimum or instantaneous maximum discharge limits. For all other pollutants and sampling, 24-hour composite samples must be obtained through flow proportional composite sampling techniques, unless time-proportional

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composite sampling or grab sampling is authorized by the POTW. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols (T), and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the POTW, as appropriate.

**Sec. 44-181. Sampling Methods, Equipment and Location**

**A. General.** A user shall use the sampling methods, sampling equipment, and sampling location specified by the user's User Permit, or, in the absence of a permit, as otherwise required by the POTW Superintendent.

**B. Contaminated groundwater.** For discharges to the POTW from remedial actions related to leaking underground storage tanks or other sources of contaminated groundwater, the POTW Superintendent may require the following analyses or such other analyses as determined appropriate by the POTW Superintendent:

- (1) Samples shall be analyzed for benzene, ethylbenzene, toluene and xylene using the latest methods approved by U.S. EPA.
- (2) For total petroleum hydrocarbons, samples shall be analyzed according to the latest methods approved by U.S. EPA.

**Sec. 44-182. Costs of Monitoring, Sampling and Analyses**

All required monitoring, taking of samples, and sample analyses, whether performed by the POTW or by a user, including, but not limited to, the costs or fees associated with inspection or surveillance, shall be at the sole cost of the user. For users with more than one outfall, each outfall monitored shall be charged separately.

**Sec. 44-183. Self-monitoring**

**A.** Except as otherwise provided by this Chapter, self-monitoring shall be conducted by each Nondomestic User to insure compliance with all applicable requirements of this Chapter and other applicable laws and regulations.

**B.** A user performing its own sampling shall submit the samples for analysis to a laboratory (which may include the user's own laboratory) approved by the POTW and the DEQ.

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**C.** A user performing its own sampling or monitoring shall record and maintain for all samples and monitoring (including any sampling and monitoring associated with Best Management Practices) the date, exact location (which shall match sampling locations identified in the user's User Permit, as applicable), time (including start time and stop time) and method of sampling or measurement, and the name(s) of person(s) taking the samples or measurements; sampler programming information; the sample preservation techniques or procedures used; the full chain-of-custody for each sample; the dates the analyses were performed and completed; who performed the analyses; the analytical techniques and methods used; the detection limits and/or quantification level used per parameter; quality assurance/quality control (QA/QC) procedures used and QA/QC data; and the results of the analyses.

**D.** If sampling performed by a user indicates a violation, the user shall notify the POTW Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation. If the POTW has performed the sampling and analysis in lieu of the user, the POTW must perform the repeat sampling and analysis unless the POTW notifies the user of the violation and requires the user to perform the repeat sampling and analysis. The user shall not be required to resample if **(a)** the POTW performs sampling at the user at a frequency of at least once per month, or **(b)** the POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user or the POTW receives the results of the sampling that indicates the violation.

**E.** If a user uses its own laboratory for sample analysis, the POTW Superintendent may require the user to send split samples to an independent laboratory at a frequency specified by the POTW Superintendent as a quality control check.

**F.** Users required to do monthly sampling shall submit sample results to the POTW Superintendent by the 10th day of the following month, unless specified otherwise in the user's User Permit.

**Sec. 44-184. Sampling and Analyses Performed by POTW**

**A.** The sampling and analysis required by this Chapter may be performed by the POTW instead of the user, as determined necessary by the POTW Superintendent for purposes of this Chapter. The POTW shall provide the user with copies of analytical results prepared by the POTW. If the results of any sampling and analysis performed by the POTW instead of the user show that a pretreatment standard has been violated, the POTW shall provide the user with copies of the analytical results within 10 days after the results are available.

**B.** If the POTW performs the required sampling and analysis for a user, the user shall pay a sampling fee to the POTW to fully reimburse the POTW for the

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sampling, including administrative and overhead costs. The POTW may contract with an independent firm to perform the sampling and analysis and the user shall fully reimburse the POTW for amounts paid by the POTW to the independent firm.

**Sec. 44-185. Split Samples and Sample Results**

**A.** If requested by the POTW, the POTW shall be provided with splits of any sample taken by a user. The user shall provide splits to the POTW at no cost to the POTW.

**B.** If requested by a user prior to the collection of a sample of the user's discharge, the POTW shall leave a portion of the sample of the discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis.

**C.** In cases of disputes arising over split samples, the portion taken and analyzed by the POTW shall be controlling unless proven invalid. The burden of proving the POTW's results invalid shall be on the user and at the user's sole cost.

**Sec. 44-186. Maintenance, Repair and Calibration of Equipment**

**A.** A user who performs self-monitoring shall contract with an independent company (unless the requirement to use an independent company is waived in advance by the POTW Superintendent as determined appropriate by the POTW Superintendent) to maintain, repair, and calibrate the sampling and flow measurement equipment and instruments used to monitor the user.

**B.** The maintenance, repair, and calibration shall be performed as often as necessary to ensure that monitoring data is accurate and representative, and consistent with the accepted capability of the type of equipment used, and shall be at the sole cost of the user.

**C.** A user shall keep a complete and accurate written record of all calibrations, inspections and maintenance done (including, without limitation, the date and time of the activity, a description of what was done and the methods used, the names of persons conducting the activity, and any required or recommended follow-up). The record shall also include a description of all problems discovered regarding the equipment whether in response to a regularly scheduled inspection or otherwise.

**D.** The POTW, in any event, may inspect and test a user's sampling and flow measurement equipment and instruments at all times.

**E.** In no case shall a user's failure to keep its equipment, instruments and facilities in good working order constitute grounds for the user to claim that sample results are not representative of its discharge.



**Sec. 44-187. Required Sampling Structures and Devices**

**A.** The POTW may require any user to install suitable control structures (such as sampling manholes or sampling vaults) and necessary measuring and sampling devices (including automatic devices) to facilitate the observation, sampling, and measurement of the quantity, composition, and concentrations of discharges to the POTW. The POTW may require the user to install control structures and measuring and sampling devices at every discharge point and/or outfall. Further, multiple separate and discrete building sewers, control structures, and measuring and sampling devices may be required for a single user, premises, building, facility or user, as determined necessary by the City. The structures and devices shall be maintained at all times in a safe, clean and proper operating condition at the sole expense of the user.

**B.** There shall be ample room in or near the control structure to allow accurate monitoring, measuring, sampling and preparation of samples for analysis, as determined necessary by the POTW Superintendent. At a minimum, all sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches in diameter and an internal diameter of no less than thirty-six 36 inches containing flow measuring, recording and sampling equipment as required by the POTW Superintendent to assure compliance with this Chapter.

**C.** Any temporary or permanent obstruction for safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the verbal or written request of the POTW and shall not be replaced. The costs of clearing such access shall be borne solely by the user.

**D.** The location and complexity of the required control structure or devices may vary with sampling requirements determined necessary by the POTW Superintendent to protect the POTW and to comply with applicable laws and regulations.

**E.** The required sampling structures and devices shall be constructed and installed at the user's sole expense in accordance with plans submitted to the POTW, and in compliance with all applicable local construction standards and specifications. Users shall submit to the POTW plans and specifications for construction or modification of monitoring facilities at least 30 days before the proposed commencement of construction or modification. If a user constructs or modifies monitoring facilities before City approval or without an inspection during construction and the City determines that the monitoring facilities are not acceptable, then the user shall at its cost reconstruct or modify the monitoring facilities according to the requirements of the City. Construction shall be completed within 90 days following written notification by the City, or within such other shorter or longer time period specified by the City as required by the particular circumstances to meet the requirements of this Chapter. The structures

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and devices shall be operated and maintained by the user ~~at~~ the user's sole expense so as to be safe and accessible to POTW personnel at all times and so as to provide accurate and representative monitoring data. ~~If~~ a user fails to install or maintain a required structure or device, the POTW may ~~do~~ so and charge the costs to the user. No person shall use a required control structure for any purpose other than the sampling and monitoring activities specifically approved by the POTW.

**F.** The sampling structures and devices must be provided ~~on~~ the user's premises as approved by the City, but the City may, if it determines ~~that~~ such a location would be impractical or cause undue hardship to the user, ~~allow~~ the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

**G.** Samples shall be taken at a control structure approved by the City. However, in the absence of a suitable control structure as required by this Section, samples shall be taken immediately downstream from pretreatment facilities if pretreatment facilities exist, or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with a regulated process wastestream prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined wastestream formula under MAC R 323.2311(7) or other methods required by the POTW to evaluate compliance with applicable pretreatment standards and requirements.

**H.** No user shall change monitoring points or monitoring methods without first notifying and receiving the approval of the POTW Superintendent. The POTW Superintendent shall not approve any change in a user's monitoring point or points that would allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

**I.** A user shall allow the POTW access to all sampling and monitoring facilities as provided by Section 18(B) of this Chapter.

**Sec. 44-188. Determination of Flow**

The City may use any of the following methods to determine the amount of wastewater flow discharged to the POTW from a user's Premises, as determined appropriate by the City:

**(A)** If the premises are metered, the amount of water supplied to the premises by the City or a private water company as shown by the water meter;

**(B)** If the premises are supplied with river water or water from private wells, the City may estimate the amount of water supplied from such sources based on the water, gas or electric supply to the Premises;

**(C)** If the premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be (or is not) entirely discharged to the POTW, the City may estimate the amount of wastewater

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discharged to the POTW based on the water, gas or electric supply to the Premises;

**(D)** The City may determine the amount of wastewater discharged to the POTW based on measurements and samples taken by the City from a manhole installed by the owner of the premises, at the owner's sole expense, as required by the City under this Chapter; or

**(E)** The City may determine the amount of wastewater discharged to the POTW from a premises using a combination of any of the above methods, or using any other method determined appropriate by the City.

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**Division 10. Accidental Discharges**  
**Sec. 44-189. General**

This Division sets forth minimum requirements for Nondomestic Users (and any other users as required by the City) to prepare for, respond to, and report, accidental discharges to the POTW. Additional or more restrictive requirements may be required for particular users under a User Permit, a slug control plan, or by other applicable laws and regulations.

**A.** Each Nondomestic User shall provide and continuously maintain protection from accidental discharge of materials or other substances regulated by this Chapter as provided by this Division. The City may refuse to accept current or proposed discharges from any user that fails to comply with the requirements of this Division.

**B.** Detailed plans showing facilities and operating procedures to provide the protections required by this Division shall be submitted to the POTW for review prior to construction of the facilities. All existing users shall submit the required plans and information with their permit applications or upon request of the POTW. For new sources, facilities and operating procedures to provide the protections required by this Division shall be approved by the POTW prior to commencing discharge. No user who commences discharging to the POTW after the effective date of this Chapter shall be permitted to introduce pollutants into the system until accidental discharge facilities and procedures as provided by this Section are in place and have been approved by the POTW.

**C.** Facilities to prevent accidental discharge of regulated materials or substances shall be provided and maintained at the user's cost and expense. Review and approval by the POTW of plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter. Compliance with the requirements of this Division shall not relieve a user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, or for any other damage to

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persons or property, or for any other liability that may be imposed under this Chapter or under other applicable laws and regulations.

**D.** No change shall be made in any plan or procedure approved by the POTW as provided by this Section without the prior review and approval of the POTW.

**E.** All users shall notify the POTW in writing within 5 days of any change in the information required to be provided to the POTW as set forth below in this Section (including, without limitation, information regarding the person in charge of discharge operations, the description of chemicals stored, used or manufactured by the user, the description of user discharges, and the description of user premises).

**Sec. 44-190. Designation of Person in Charge of Discharge Operations**

Each Nondomestic User shall designate at least one person to be in charge of and responsible for the user's discharges to the POTW, including responsibility for maintaining pretreatment facilities and operations, if any, and prevention of accidental discharges ("person in charge"). The person so designated shall be an individual with knowledge of all toxic wastes or hazardous substances routinely or potentially generated by the user, and of all process alterations that could, in any manner, increase or decrease normal daily flow or waste strength to the POTW. The names of the person (or persons) designated as provided by this Section and a phone number where the person can be reached for 24-hour contact shall be submitted by each user to the POTW.

**Sec. 44-191. Description of Chemicals Stored, Used or Manufactured by User; User Discharges; User Premises**

Unless the City determines that all of the following information has already been appropriately provided to the POTW pursuant to other requirements of this Chapter, each Nondomestic User shall:

**A.** Catalog all chemicals stored, used, or manufactured by the user at the user's premises. The list of chemicals shall include specific chemical names (not just manufacturer's codes) and shall be provided to the POTW along with MSDS's.

**B.** Provide the POTW with a written description of the user's discharge practices, including an estimate of daily average flows, waste strengths, and flow types, separated according to appropriate categories including process, cooling, sanitary, etc.

**C.** Provide to the POTW a detailed, scaled professionally prepared drawing of the user's plant building(s), including the location of pretreatment equipment, process and chemical storage areas, waste storage areas, floor drains located near process and storage areas, manhole or other control structures, sewer locations at the user's point of discharge into the POTW, and a flow diagram of water usage throughout the facility to the point of discharge.



**Sec. 44-192. Segregation of Wastewaters Requiring Pretreatment**

Nondomestic Users shall segregate wastewaters requiring pretreatment (including, without limitation, spent concentrates, toxics, and high strength organic wastes) as necessary to prevent pollutants from interfering with or passing through the POTW. All sludges generated by pretreatment shall be used and disposed of only as permitted by applicable local, state and federal laws and regulations.

**Sec. 44-193. Secondary Containment Requirements**

**A.** Each Nondomestic User must provide and maintain at the user's sole expense secondary spill containment structures (including diking, curbing or other appropriate structures) adequate to protect all floor drains from accidental spills and discharges to the POTW of any pollutants or discharges regulated by this Chapter.

**B.** The containment or curbing shall be sufficient to hold not less than 150% of the total process area tank volume and not less than 150% of liquid polluting material stored or used, unless a lesser containment area or alternate control measures are approved in advance by the POTW Superintendent.

**C.** The containment area shall be constructed so that no liquid polluting material can escape from the area by gravity through the building sewers, drains, or otherwise directly or indirectly into the POTW. All floor drains found within the containment area must be plugged and sealed.

**D.** Spill troughs and sumps within process areas must discharge to appropriate pretreatment tanks.

**E.** Emergency containment shall also be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.

**F.** Solid pollutants shall be located in security areas designed to prevent the loss of the materials to the POTW.

**G.** Detailed plans showing facilities and operating procedures to provide the protection required by this Section shall be submitted to the POTW Superintendent for review, and shall be approved by the POTW Superintendent before construction. Construction of approved containment for existing sources shall be completed within the time period specified by the POTW Superintendent.

**H.** No new source shall be permitted to discharge to the POTW until emergency containment facilities have been approved and constructed as required by this Section.

**I.** The POTW Superintendent may order a user to take interim measures for emergency containment as determined necessary by the POTW Superintendent under the circumstances.

**Sec. 44-194. Submission of Pollution Incident Prevention Plan**

**A.** Each user required to develop a pollution incident prevention ("PIP") plan as provided by Part 5 of the Michigan Water Resources Commission Rules, 1979 ACR 323.1151 et seq., as amended (promulgated pursuant to Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., as amended), shall submit a copy of that plan to the POTW Superintendent.

**B.** The PIP Plan shall be submitted to the POTW Superintendent within 60 days of the effective date of this Chapter for an existing source, or 30 days prior to the date of discharge for a new source.

**Sec. 44-195. Posting of Accidental Discharge Information**

All Nondomestic Users shall post a clearly legible set of instructions in the area where the user manages wastewater so that the applicable reporting and notice requirements are made known and are available to the user's employees. In addition, all Nondomestic Users shall instruct their employees on the applicable reporting and notice requirements of this Section.

**Sec. 44-196. Notice of Accidental Discharge**

**A.** In the case of an accidental discharge, a user shall immediately notify the POTW of the incident by telephone.

**B.** The notification shall include the name of the person placing the call, the name of the user, and all available information regarding the location of the discharge, its volume, duration, constituents, loading and concentrations, corrective actions taken and required, and other available information as necessary to determine what impact the discharge may have on the POTW.

**C.** A detailed written report providing the same and any additional available information (including specifying the measures that will be taken by the user to prevent similar future discharges) shall also be provided by the user to the City Manager and the POTW Superintendent within 5 days of the incident.

**D.** Providing notice of an accidental discharge shall not relieve a user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notice relieve a user of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law.

**Sec. 44-197. Slug Control Plan**

**A.** Each Significant Industrial User shall prepare and implement an individualized slug control plan. Existing Significant Industrial Users shall submit a slug control plan to the POTW for approval within 90 days of the effective date of this Chapter. New sources that are Significant Industrial Users shall submit a slug control plan to the POTW for approval before beginning to discharge. Upon written notice from the POTW, Nondomestic Users that are not Significant

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Industrial Users may also be required to prepare and implement a slug control plan, and the plan shall be submitted to the POTW for approval as specified in the notice. All slug control plans shall contain at least the following elements:

- (1) A description of discharge practices, including non-routine batch discharges;
- (2) A description of stored chemicals, raw materials, and waste;
- (3) The procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate any discharge prohibition, limitation or requirement under this Division, and procedures for follow-up written notification within 5 days of the discharge;
- (4) The procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

**B.** If a user has submitted to the POTW plans or documents pursuant to other requirements of local, state or federal laws and regulations which meet all applicable requirements of Subsection 44-197.(A), the POTW may in its discretion determine that the user has satisfied the slug plan submission requirements of this Section.

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**Division 11. Upset and Additional Affirmative Defenses****Sec. 44-198. Upset**

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if all of the requirements of Section 44-198.(A), below, are met. However, in the event of an upset, the user may still be liable for surcharges for exceeding applicable discharge limitations as provided by this Chapter. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

**A. Conditions Necessary to Demonstrate Upset.** A user seeking to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, all of the following:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The user has submitted the following information to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a

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written submission containing the same information must be provided within 5 days of becoming aware of the upset):

- (a) A description of the discharge and cause of non-compliance;
- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
- (c) The steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

**B. User Responsibility in Case of Upset.** The user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable limits upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**Sec. 44-199. Additional Affirmative Defenses**

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions under Section 44-145.(A) and specific prohibitions under Sections 44-145.(B)(6), (7), (8) or (9) if the user can demonstrate that all of the conditions necessary to establish the defense under MAC R 323.2303(3)(a) and (b) are met. However, even if the affirmative defense is established, the user may still be liable for surcharges for exceeding applicable discharge limitations as provided by this Chapter. In any enforcement proceeding, the user seeking to establish the affirmative defenses provided by MAC R 323.2303(3) shall have the burden of proof.

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**Division 12. Bypass**

**Sec. 44-200. Bypass Not Violating Applicable Pretreatment Standards or Requirements**

A Nondomestic User may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if the bypass is for essential maintenance to assure efficient operation. A bypass that meets the requirements of the preceding sentence of this Section is not subject to the provisions in Sections 44-201., 44-202., and 44-203. However, nothing in this Section shall be construed to authorize a discharge that exceeds a discharge



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prohibition or limitation under this Chapter or other applicable laws or regulations; nor to relieve a user for any expense, loss, damage, or liability that may be incurred as a result of the bypass, such as damage to the POTW, fish kills, or any other damage to person or property; nor to relieve the user of any fines, penalties or other liability that may be imposed by applicable laws or regulations as a result of the bypass.

**Sec. 44-201. Bypass Prohibited**

Except as provided by Section 44-200., the bypass of industrial wastes from any portion of a user's facility is prohibited, and shall be subject to enforcement action, unless all of the following apply:

- A.** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- B.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance.)
- C.** The user submitted the notices as required under Section 44-202.

**Sec. 44-202. Required Notices**

- A. Anticipated bypass.** If a user knows in advance of the need for a bypass, it must submit prior notice of the bypass to the POTW. Such notice shall be submitted to the POTW as soon as the user becomes aware of the need for the bypass, and if possible, at least 10 days before the date of the bypass.
- B. Unanticipated bypass.** A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

**Sec. 44-203. POTW Approved Bypass**

The POTW Superintendent may approve an anticipated bypass after considering its adverse effects, if the POTW Superintendent determines that it meets the conditions set forth in Sections 44-201.(A), 44-201.(B) and 44-201.(C). It shall be a violation of this Chapter for a user to allow an anticipated bypass to occur without the prior approval of the POTW Superintendent.

**Division 13. Confidential Information**

**Sec. 44-204. Confidential Information**

The following provisions shall apply regarding the treatment by the POTW of confidential information submitted to or obtained by the POTW in the administration of this Chapter:

**A.** Information and data regarding a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests at the time of submission and is able to demonstrate to the satisfaction of the City, and in accordance with applicable state and federal laws and regulations, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

**B.** Information submitted by a user for which confidentiality is requested shall be clearly marked on each page as to the portion or portions considered by the user to be confidential and shall be accompanied by a written explanation of why the user considers the information to be confidential or why the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

**C.** Information that may disclose trade secrets or trade secret processes, and for which the user has requested, and been granted, confidentiality as provided by this Section, shall not be made available for inspection by the general public; however, that information shall be made available upon written request to governmental agencies for uses related to matters regulated by this Chapter and shall be made available for use by the state, any state agency, or the POTW in judicial review or enforcement proceedings that involve the user that furnished the information. The POTW shall notify the user 10 days in advance if it intends to release confidential information to another governmental agency as authorized by this Section.

**D.** Information furnished to the POTW on the volume or characteristics of wastewater or pollutants discharged or proposed to be discharged into the POTW shall be available to the public or other governmental agency without restriction.

**E.** If a user has mass-based limits as allowed by certain categorical pretreatment standards on a production basis, the production data necessary to determine compliance must also be provided by the user to the POTW, and shall be available to the public. If application of the combined waste stream formula is necessary to apply categorical pretreatment standards to a user, the flow

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measurements and other data used in the calculation must be provided by the user to the POTW, and shall be available to the public.

**F.** Observations made by POTW inspectors shall be subject to the confidentiality provisions of this Section as if they were in writing if the user specifies to the POTW in writing for which particular observations made by the inspector the user seeks confidentiality.

**G.** All confidential information and/or data with respect to a particular user that is on file with the POTW shall be made available upon written request by that user or its authorized representative during regular business hours.

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***Division 14. Records Retention***

**Sec. 44-205. Maintenance of Records**

All users shall retain and preserve records, including, without limitation, all books, documents, memoranda, reports, correspondence and similar materials, related to matters regulated by this Chapter as provided by the minimum requirements of this Section or as provided by a permit or order issued pursuant to this Chapter.

**A. Discharge Records.** A Nondomestic User shall retain, preserve, and make available to the POTW for inspection and copying, for the period specified in Section 44-205.(C) all records related to matters regulated by this Chapter, including, without limitation, all documents, memoranda, correspondence and similar materials; copies of all required reports, notifications, and applications; all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of results of all sampling, monitoring, measurements and analyses; all documentation associated with Best Management Practices; and records of all data used to complete the application for a permit. Any Nondomestic User subject to the sampling, monitoring, analysis, or reporting requirements of this Chapter shall maintain copies of all records and information pertaining to those requirements or resulting from any monitoring activities (whether or not such monitoring activities are required by this Chapter). For all samples, the records shall include, at a minimum, the information required to be recorded by Section 44-183. of this Chapter.

**B. Hazardous or Solid Waste.** A Nondomestic User shall retain and preserve all records regarding its generation, treatment, storage, or disposal of hazardous waste or solid waste for the period specified in Section 44-205.(C), and shall make them available to the POTW for inspection and copying, subject to the provisions in this Chapter regarding confidential information. (As used in this Section, the terms "hazardous waste" and "solid waste" shall have the same



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definition as provided in 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, and the rules promulgated under that act.)

**C. Retention Period.** Users subject to the reporting requirements of this Chapter (or of any permit or order issued pursuant to this Chapter) shall retain the records specified in Sections 44-205.(A) and 44-205.(B) for a period of at least 3 years from (a) the date the record was created or (b) the date the record was first used or relied upon by the user, whichever is later. The 3 year retention period shall be extended during any administrative or judicial action, enforcement proceeding or litigation regarding matters regulated by this Chapter (or regarding discharges of the POTW under its NPDES permit), until all such actions, proceedings, or activities have concluded and all periods of limitation with respect to any and all appeals have expired. The 3-year retention period may also be extended at any time at the request of the POTW, the MDEQ, or the U.S. EPA. The POTW shall retain all records, notices and other information regarding discharges to the POTW submitted to it by Nondomestic Users of the POTW for a period of not less than 3 years.

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**Division 15. Administration of the POTW**

**Sec. 44-206. Operation and Management of POTW**

Except as otherwise expressly provided by this Chapter, the operation, maintenance, alteration, repair and management of the POTW shall be under the direct supervision and control of the City. The City has the exclusive right to establish, maintain and collect rates and charges for use of the POTW, and the City may employ the persons in the capacities as the City deems necessary and advisable to ensure the efficient establishment, operation, maintenance, and management of the POTW, to comply with the POTW's NPDES permit, and to discharge its financial obligations. The City may establish any rules, regulations and procedures as determined necessary to assure the efficient management and operation of the POTW.

**Sec. 44-207. Powers of City Manager**

As directed by the City, the City Manager shall (either directly, through, or in conjunction with other authorized representatives of the City) take the following actions:

- A.** Supervise the implementation of this Chapter.
- B.** Review plans submitted by users for pretreatment equipment.



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- C.** Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered sampling, metering, or pretreatment equipment to determine compliance with the provisions of this Chapter.
- D.** Verify the completeness, accuracy and representativeness of self-monitoring data submitted and/or maintained by users.
- E.** Investigate complaints of violations of this Chapter, make inspections and observations of discharges, and maintain a record of the investigations, complaints, inspections and observations.
- F.** Issue orders and notices of violation and take other actions as necessary to require compliance with this Chapter.
- G.** Develop and implement a Control Authority Enforcement Response (CAER) Plan as required by 40 CFR 403.8(f)(5). The CAER Plan shall provide procedures for the POTW to investigate and respond to instances of noncompliance by users. The CAER Plan and any associated regulations developed by the POTW Superintendent shall become effective upon approval by the City.
- H.** With the approval of the City, and in conjunction with the City's legal counsel, institute necessary civil or criminal judicial legal actions and proceedings in a court of competent jurisdiction against all users violating this Chapter to prosecute violations of this Chapter, to compel the abatement or prevention of violations, to compel compliance with this Chapter and any order, determination, permit or agreement issued or entered into under this Chapter, and to pursue any other necessary or advisable legal and/or equitable judicial relief or remedies with respect to violations of this Chapter.
- I.** In conjunction with the City's legal counsel, commence a municipal civil infraction action against any user violating this Chapter, and issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Chapter.
- J.** Perform any other actions authorized by this Chapter, or as necessary or advisable for the supervision, management and operation of the POTW and the enforcement of this Chapter and other applicable laws and regulations.

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**Division 16. User Pollution Controls****Sec. 44-208. Provision by Users of Necessary Pretreatment Facilities**

Users shall provide necessary wastewater treatment as required to comply with all applicable pretreatment standards and requirements within the time limitations specified by applicable law or regulation, and as required to comply with the requirements of a User Permit or order issued pursuant to this Chapter. All facilities required to pretreat discharges shall be provided, operated, and

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maintained at the user's sole expense. Detailed, professionally signed and sealed plans showing the pretreatment facilities, specifications, and operating procedures shall be submitted to the City for review and approval prior to construction. The POTW Superintendent may approve, approve with conditions, or disapprove the plans, specifications and operating procedures. A user shall not begin discharging from the treatment facilities until facilities have been approved and all conditions and requirements of the approval have been met as determined by the City. The review and approval by the City of such plans and operating procedures does not in any way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW prior to the user's initiation of the changes. (Users shall notify the POTW regarding the installation of new pretreatment facilities or modification of existing facilities as provided by Section 44-173. of this Chapter.)

**Sec. 44-209. Proper Operation and Maintenance**

A user shall at all times properly operate and continuously maintain, at the user's sole expense, all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the user to comply with the requirements of this Chapter. Proper operation and maintenance includes, without limitation, effective performance, adequate funding (including replacement costs), adequate operator staffing, and adequate quality assurance/quality control (QA/QC) procedures for sampling and analysis, so as to provide adequate wastewater collection and treatment on a continuing basis, to conform with all local, state and federal laws and regulations, and to assure optimum long-term management of the facilities and system.

**Sec. 44-210. Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act, and other applicable local, state, and federal laws and regulations.

**Sec. 44-211. Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss, or failure of all or part of a user's pretreatment equipment or facility, the user shall, to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable standards, requirements, and limits, control its production and all discharges until operation of the equipment or facility is restored or an alternative method of treatment is provided. This requirement applies in situations, including,

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without limitation, where the primary source of power for the pretreatment equipment or facility is reduced, lost, or fails. It shall not be a defense for a user in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Chapter.

**Sec. 44-212. Duty to Mitigate**

A user shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with this Chapter, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**Sec. 44-213. Duty to Pretreat Prior to Discharge to POTW**

Except as otherwise expressly required by this Chapter, by a User Permit, by an order or other determination of the City, or by other applicable law or regulation, the prohibitions and limitations provided by this Chapter or a User Permit shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the POTW and any required pretreatment shall, at a minimum, be completed before that point of discharge is reached.

**Sec. 44-214. Implementation of Best Management Practices or Best Management Practices Plan**

**A.** The City may require any user to develop and implement Best Management Practices to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances from the user's premises to the POTW, as determined necessary by the City.

**B.** In addition, the City may require a user to develop and submit a Best Management Practices Plan ("BMPP"), including an enforceable implementation schedule, for review and approval by the POTW Superintendent. The BMPP shall be submitted within 30 days after notification by the City or as otherwise required by a User Permit. The BMPP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the POTW. The BMPP shall be available for inspection at all times at the user's premises. At a minimum, a user's BMPP shall contain all of the following elements, as determined necessary by the City, at a level of detail and in units and terms as determined necessary by the City to adequately evaluate the plan:

1. A statement of the purpose and objectives of the plan.
2. A description of the strategies, methods, policies and procedures to prevent, minimize or reduce the introduction of pollutants into the user's discharge and to minimize waste generation.
3. A description of the options available to the user to control accidental spillage, leaks and drainage.

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4. A description of best available or practicable control technologies available for the user's specific circumstances.
  5. A detailed facility layout and site diagram showing points of entry into the POTW.
  6. A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics.
  7. A description of operating and maintenance processes and procedures.
  8. Inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility.
  9. A description of employee training programs, policies and procedures; continuing education programs; and participation.
  10. A description of documentation, including record keeping and forms.
  11. A description of monitoring activities.
  12. Information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.
  13. Certification by a qualified professional that the plan is adequate to prevent spills, leaks, slug loads, or non-customary discharges of regulated substances, directly or indirectly, to the POTW.
  14. Such other information, documents or diagrams as required by the City Manager or the POTW Superintendent, including, but not limited to, any of the information required under Section 44-154. of this Chapter.
- C.** The BMPs or BMPP required of a user or approved for a user shall be incorporated in a User Permit issued to the user. If the user already has a User Permit, the existing permit may be modified to incorporate the BMP requirements. If the user does not currently have a User Permit, a permit shall be issued for that purpose.
- D.** The City may require revisions to users BMPP if the City determines that the plan contains elements that are inadequate, or as otherwise determined necessary by the City to ensure compliance with applicable requirements of this Chapter. Review of a BMPP by the POTW Superintendent shall not relieve the user from the responsibility to modify its facility as necessary to comply with local, state and federal laws and regulations.

**Sec. 44-215. FOG Interceptors; Alternate FOG Pretreatment Technology; Sand Traps.**

- A.** General Requirements Applicable To All FOG Interceptors; Alternate FOG Pretreatment Technology; and Sand Traps.
1. Any user required to install a FOG interceptor, an Alternate FOG Pretreatment Technology ("AFPT"), or a sand trap to prevent the discharge of fats, oils, grease, sand, or other materials to the POTW shall comply with the minimum requirements as provided by this Section or as otherwise specified by the POTW Superintendent.



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2. Interceptors, AFPTs, and traps that are required by this Section shall be provided, cleaned, maintained in proper operating condition, and kept in continuously efficient operation at all times, at the sole expense of the owner of the premises.
  3. All interceptors, AFPTs, and traps shall be of a design, type, construction, and capacity approved in advance by the POTW Superintendent.
  4. The installation of all interceptors, AFPTs, and traps shall be subject to the POTW Superintendent's review and approval.
  5. All interceptors, AFPTs, and traps shall be located so as to be readily and easily accessible for maintenance, cleaning and inspection.
  6. All users required to install and maintain an interceptor, AFPT, or trap shall develop and carry out a system of maintenance and cleaning for the interceptor, AFPT, or trap, and shall keep accurate, detailed written records of the following:
    - (a) The maintenance and cleaning schedule;
    - (b) The names of the persons who maintained and cleaned the interceptor, AFPT, or trap, and the dates that the interceptor, AFPT, or trap was maintained and cleaned; and
    - (c) The method of cleaning and disposal location for removed materials for each maintenance and/or cleaning.
  7. At a minimum, all interceptors, AFPTs, and traps shall be inspected, cleaned and maintained according to the manufacturer's specifications or as otherwise provided by this Section, whichever requirements are more stringent, at the property owner's expense.
  8. All written records and documentation required to be kept by this Section with regard to interceptors, AFPTs, and traps shall be kept by the user on the premises for at least 3 years and shall be available for review by the POTW Superintendent during all operating hours. The user shall provide copies of required records to the POTW Superintendent upon the POTW Superintendent's request at the user's sole cost.
  9. Any problems with or damage to an interceptor, AFPT, or trap shall be reported immediately to the property owner and to the POTW Superintendent.
  10. Any problems with or damage to an interceptor, AFPT, or trap shall be rectified and/or repaired immediately by the property owner at the owner's sole cost.
  11. Interceptor, AFPT, or trap clean-out material, including, but not limited to, accumulated fats, oils, grease, and sand, shall not be discharged into the POTW.
  12. Bacteriological, chemical, or enzymatic products shall not be used to maintain or clean interceptors, AFPTs, or traps.
- B. Requirements For FOG Interceptors and AFPTs.**  
A FOG interceptor or AFPT shall be required for all food service establishments (FSEs), and may also be required for any other user, premises, or establishment

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determined by the POTW Superintendent to have a reasonable potential to adversely affect the POTW due to discharges of FOG.

**1. Outdoor FOG Interceptors.**

**a. Outdoor FOG Interceptors Required.** All FSEs shall install, operate, and maintain an outdoor FOG interceptor of a type, design, construction, and size approved in advance by the POTW; provided that if the POTW Superintendent determines that installation of an outdoor FOG interceptor would not be economically and/or technically feasible due to existing circumstances unique to the premises in question, the POTW Superintendent may instead allow the installation of Alternate FOG Pretreatment Technology as provided by Section 44-215.(B)(2). In all cases, the user shall bear the burden of demonstrating to the POTW Superintendent, at the user's sole cost, that the installation of an outdoor FOG interceptor is not feasible and that an alternate FOG pretreatment technology should instead be allowed.

**b. Compliance Schedule. Existing FSEs/Users:** Any FSE discharging into the POTW as of the effective date of this Chapter (and any other existing user determined by the POTW Superintendent to have a reasonable potential to adversely affect the POTW due to discharges of FOG) shall, upon notification from the POTW Superintendent, submit plans for an outdoor FOG interceptor for approval by the POTW Superintendent, and shall install and begin operation of the interceptor, in compliance with the schedule specified by the POTW Superintendent.

**New FSEs/Users:** Any FSE that proposes to commence discharging into the POTW after the effective date of this Chapter (and any other new user determined by the POTW Superintendent to have a reasonable potential to adversely affect the POTW due to discharges of FOG) shall submit plans for an outdoor FOG interceptor to the POTW Superintendent for the POTW Superintendent's approval, and shall install and begin operation of the interceptor in compliance with the schedule specified by the POTW Superintendent. In all cases, the interceptor plans must be approved by the POTW Superintendent prior to submitting plans to the City for a building permit; and the City shall not issue a building permit for the premises until the POTW has approved the proposed interceptor plans. Further, the City shall not issue a certificate of occupancy for the premises until the interceptor has been installed and deemed acceptable by the POTW Superintendent.

**c. Minimum Design and Installation Requirements For Outdoor FOG Interceptors.** Outdoor FOG interceptors shall comply with all of the following minimum design and installation requirements:

(i) The interceptor shall provide a minimum capacity of 1500 gallons, unless the POTW Superintendent determines that a smaller minimum capacity is adequate for the premises.

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- (ii) The interceptor shall have a minimum of two compartments with fittings designed for FOG retention.
  - (iii) The interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.
  - (iv) The interceptor shall be installed at a location, subject to the prior approval of the POTW Superintendent, where it can be easily accessible for inspection, cleaning, and removal of intercepted FOG, but shall not be located in any part of a building where food is handled.
  - (v) Access manholes, with a minimum diameter of 24 inches, shall be provided over each outdoor FOG interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade, and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, FOG removal, and sampling which, when bolted into place, shall be gastight and watertight.
- d. Minimum Inspection, Maintenance, and Cleaning Requirements for Outdoor FOG Interceptors.** Outdoor FOG interceptors shall comply with all of the following minimum maintenance, cleaning, and inspection requirements:
- (i) At a minimum, an outdoor FOG interceptor shall be inspected monthly by the property owner, or more often if dictated by site specific conditions or if required more frequently by the POTW Superintendent.
  - (ii) Pump-out of all accumulated FOG, water, and sludge shall occur quarterly at a minimum, or more often if the combined height of floatables and settled solids (including both the top and bottom layers of solids) exceed 25% of any interceptor compartment operating depth; if there is a visible discharge of FOG; or if required more frequently by the POTW Superintendent. The operating depth of a trap shall be determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.
  - (iii) Each pump-out of the interceptor shall be complete and remove all contents, including removal of the entire grease mat, liquids, sludges, and solids from screens, baffles, air-relief chambers, and wash down of interior walls. The interceptor shall be refilled with clear water before being returned to service.
  - (iv) The interceptor shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could reduce the effective volume for FOG and sludge accumulation.
  - (v) Water removed during pump-out shall not be returned to the interceptor, and accumulated FOG and sludge shall not be reintroduced into any drainage piping leading to the public sewer.
  - (vi) Sanitary wastes shall not be discharged to sewer lines serviced by an outdoor FOG interceptor without specific prior approval by the POTW Superintendent.

(vii) The pump-out operation and disposal of the accumulated FOG, water, and sludge shall be done only by a licensed contractor. The POTW Superintendent shall be notified prior to any scheduled pump-out so that the operation can be witnessed if desired.

**2. Alternate FOG Pretreatment Technology.**

If the City Manager determines that installation of an outdoor FOG interceptor is not required as provided by Section 44-215.(B)(1)(a), then the POTW Superintendent may instead authorize the installation of an Alternate FOG Pretreatment Technology ("AFPT") approved by the POTW Superintendent as provided by this Section. The design, type, construction, capacity, installation, operation, and maintenance requirements for an AFPT for a user's proposed or existing discharge shall be as determined by the POTW Superintendent based on nature of the discharge and the unique circumstances applicable to the premises in question.

**a. Indoor Grease Traps.** If the AFPT approved by the POTW Superintendent is an indoor grease trap, the following requirements shall apply:

(i) Indoor grease traps shall be installed in all waste lines from sinks, drains, and other fixtures or equipment where grease may be discharged to the POTW; provided that no food waste disposal unit, dishwasher, wastewater or other liquid in excess of 140 degrees Fahrenheit (60 degrees Centigrade) shall be discharged into an indoor grease trap. Further, no acidic or caustic cleaners shall be discharged into an indoor grease trap.

(ii) Traps shall never be operated without the flow restrictor supplied by the unit's manufacturer.

(iii) Sizing and installation of the indoor grease traps shall be subject to the POTW's prior review and approval.

(iv) Traps shall be inspected and cleaned at least once per week, or more often if dictated by site-specific conditions, as needed to be maintained in fully functional and efficient operation, or as otherwise specifically required by the POTW Superintendent.

(v) FSEs with indoor grease traps shall employ kitchen Best Management Practices (BMPs) for pre-cleaning of plates, pots, pans, and similar methods to minimize grease loadings to the drainage system.

**b. Other AFPT.** If the proposed AFPT is a technology other than indoor grease traps, the FSE shall submit design plans, installation details, and operation and maintenance procedures to the POTW Superintendent for prior review and approval.

**C. Sand and Oil Interceptors and Traps.**

Oil and sand interceptors and traps may be required by the POTW Superintendent in any premises where the POTW Superintendent has determined that there is a reasonable potential for sand, oil, flammable wastes,



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or other harmful ingredients to enter the premise's discharges. If a plug or backup occurs that is caused by sand and/or oil, the POTW Superintendent may require that premises to install an oil and sand interceptor or trap. Oil and sand interceptors and traps shall be required for all premises engaged in the washing of motor vehicles.

**D. Failure to comply.**

1. The City shall have the right to enter and inspect any premises where an interceptor, AFPT, or trap is required to be installed for purposes of determining compliance with the requirements of this Section and as otherwise provided by Section 44-217. of this Chapter.
2. If a user fails to provide or maintain a required interceptor/AFPT, the City may do so (or cause the same to be done) and charge all of the costs to the user.
3. The failure of any premises where an interceptor/AFPT is required to comply with this Section may subject the violator to enforcement action and the remedies that are available by law and the terms of this Chapter, including, but not limited to, termination of the discharges from the premises to the POTW.

**E. Permits.**

The POTW Superintendent may issue and/or require user discharge permits for any user discharging FOG or sand to the POTW. The user discharge permits may include requirements that are more stringent than, or in addition to, the requirements specified by this Section, as determined appropriate by the POTW Superintendent.

**Sec. 44-216. Additional Pretreatment Measures**

The POTW may require users to take additional pretreatment measures, as determined necessary by the POTW, including, but not limited to, the following:

- A.** Whenever deemed necessary, the POTW may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.
- B.** The POTW may require any person discharging into the POTW to install and continually maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow, subject to approval by the POTW.
- C.** Users with the reasonable potential to discharge explosive or flammable substances may be required to install and maintain an approved explosion hazard meter, combustible gas detection meter, or similar device, as determined appropriate by the POTW.

**Division 17. Septage Waste**

**Sec. 44-217. Disposal of Septage Waste**

All septage waste collected within the city shall be disposed of at the Greenville Wastewater Plant Septage Receiving Facility, except as provided below. Further, all septage waste collected in the portion of the service area not within the boundaries of the city may be accepted for disposal at the city wastewater plant septage receiving facility and septage outside of those boundaries may be on a case by case basis. The city wastewater plant septage receiving facility is an "available" receiving facility for the purpose of receiving septage wastes from the service area, as provided by NREPA section 11701(r).

A person shall not dispose of septage at the city wastewater plant septage receiving facility if the:

- (i) DEQ has issued an order prohibiting the operation of the city wastewater plant septage receiving facility, or
- (ii) city wastewater plant septage receiving facility has no capacity to accept additional septage. In addition, no load of septage waste may be accepted by the city wastewater plant unless:

- (1) Such septage waste has been made available for inspection by personnel of the city wastewater plant;
- (2) Disposal of such septage waste is consistent with the requirements of NREPA, the license of the city wastewater plant under NREPA, the DEQ-approved septage receiving operational plan for the city wastewater plant, and the ordinance; and
- (3) All rates, fees, charges, or other costs for septage waste disposal and treatment that are established as described in Section 44-219 of this chapter are paid simultaneously with, or in advance of, delivery of that load of septage waste to the city wastewater treatment plant septage receiving facility.

The city wastewater plant may reject any load of septage waste that is not in conformance with this division. Nothing in this ordinance precludes the lawful disposal of septage waste outside the state.

**Sec. 44-218. Disposal of Additional Waste at the Septage Receiving Facility**

As to any waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, or sludge that is removed from a wastewater system and that does not meet the definition of a septage waste, shall not be disposed of at the city wastewater treatment plant septage receiving facility unless, (a) prior to disposal,

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each load has been inspected, **(b)** sampled, **(c)** tested, **(d)** documented as required by the city staff at the wastewater treatment plant and **(e)** disposal of each load has been approved in advance by POTW Superintendent.

**Sec. 44-219. Rates, Fees, Charges, or Other Costs**

Rates, fees, charges, or other costs of disposal of septage waste at the city wastewater plant shall be those established by resolution of the city council from time to time. At the reasonable discretion of the City, a person or business seeking to dispose of septage waste at the City's septage receiving facility may be required to establish and maintain financial assurance for payment of rates, fees, charges, or other costs of such disposal in an amount not to exceed twenty-five thousand dollars (\$25,000), consisting of a performance bond, cash in escrow, or a third-party guarantee satisfactory to the City. To the extent a person or business prepays any rates, fees, charges, or other costs for disposal of septage waste at the city wastewater plant septage receiving facility, and the **(i)** DEQ issues an order prohibiting the operation of the city wastewater plant septage receiving facility, for any reason, or **(ii)** the city wastewater plant septage receiving facility has no capacity to accept additional septage, the City shall reimburse any user who has prepaid for septage disposal services a pro rata amount of unused septage disposal credit that a user has at the City's septage receiving facility.

**Sec. 44-220. Violations and Penalties**

Any person who violates any provisions of this division shall be fined an amount not to exceed one thousand dollars (\$1,000) for each violation (or such lower limit as may exist by virtue of state law limitations). Fines may be obtained as city administrative fines, or through the procedure for municipal civil infractions, or through proceedings in a court of law. If a violation is of a continuing nature, each day the violation occurs is a separate offense. The penalties for violation of this division shall be in addition to any penalties, fines, forfeiture, injunctions and/or license sanctions that may be imposed by sections 44-222, 44-223 and 44-224 or any other laws or regulations of the state or federal government. Nothing in this division shall be construed to relieve any person from any licensing requirements imposed by any other local, state or federal ordinance, regulation, or law.

**Sec. 44-221. Recovery of Additional Costs Incurred by the City**

In addition to any other rates, fees, charges, fines, penalties or other costs, a person who has disposed of any material at the city wastewater plant septage receiving facility or violated any provision of this division shall be responsible for any additional costs incurred by the City as a result of such activity, including

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without limitation expenses for any additional monitoring, sampling or analysis, expenses for additional investigation, costs for additional reports, costs for storing, dumping or treating material, costs for damages to or loss of the treatment process, or natural resources, or fines or penalties incurred by the City. Any such person shall be notified of all such charges and shall pay them within thirty (30) days of notification.

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**Division 18. Enforcement**

**Sec. 44-222. POTW Inspection, Surveillance and Monitoring Authority; Right of Entry**

**A. In general.** The POTW is authorized to carry out all inspection, surveillance, sampling and monitoring activities and procedures, as necessary to determine, independent of information supplied by users or any other persons, compliance or noncompliance with applicable pretreatment standards and requirements, with this Chapter, and with other applicable laws and regulations. This authority includes, without limitation, the authority:

- (1) To verify the completeness, accuracy and representativeness of self-monitoring data submitted by users.
- (2) To determine compliance with the terms, conditions and requirements of this Chapter or of any permit, order, notice or agreement issued or entered into under this Chapter.
- (3) To support enforcement actions taken by the POTW against non-compliant users.
- (4) To determine if users have corrected problems identified in previous inspections.
- (5) To identify which (and to what degree) users influence the quality of the POTW's influent, effluent and sludge quality.
- (6) To evaluate the impacts of the POTW's influent on its treatment processes and receiving stream.
- (7) To evaluate the need for revised local limits.
- (8) To maintain current data on each user.
- (9) To assess the adequacy of each user's self-monitoring program and User Permit.
- (10) To provide a basis for establishing sampling and monitoring requirements for users.
- (11) To evaluate the adequacy of each user's operation and maintenance activities on its pretreatment system.



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(12) To assess the potential for spills and/or slug discharge control measures, and evaluate the effectiveness of spill and slug discharge control measures.

(13) To gather information for User Permit development.

(14) To evaluate compliance with existing enforcement actions.

(15) To require any user to submit one or more representative samples of the wastewater discharged or that the user proposes to discharge into the POTW.

(16) To determine compliance with requirements regarding implementation of best management practices; accidental discharge controls and protections; spill prevention or containment measures; and pollution prevention, minimization or reduction measures.

**B. Right of entry.** The City Manager and other authorized representatives of the City bearing proper credentials and identification are authorized to enter a user's premises (and any other person's premises, as determined necessary by the City Manager) to conduct inspection, surveillance and monitoring activities as necessary to determine compliance with this Chapter, and in that regard shall have, without limitation, the following minimum authority:

(1) To enter into any premises of any person in which a discharge source, treatment system or activity is located or in which records are required to be kept as provided by this Chapter, for the purpose of inspecting, observing, measuring, sampling and testing the wastewater discharge, removing samples of wastewater for analysis, and inspecting and making copies of required records. This shall include the right to take photographs or video.

(2) To set up and maintain on the person's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, or to require the person to do so, at the person's sole expense.

(3) To randomly sample and analyze the effluent from persons and conduct surveillance activities to identify occasional and continuing noncompliance with applicable standards and requirements. The POTW shall inspect and sample the effluent from each Significant Industrial User at least once a year.

(4) To inspect any production, manufacturing, fabrication, or storage area where pollutants, subject to regulation under this Chapter, could originate, be stored, or be discharged to the POTW.

(5) To enter all private properties through which the POTW, the City, or other governmental agency holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW or wastewater transmission facilities lying within the easement. POTW representatives entering a person's premises for purposes authorized by this Chapter shall comply with the person's plant safety requirements regarding such matters as entry into confined spaces, use of safety glasses, and hearing protection requirements, as requested by the person. Entry