

**Sec. 53-302. Abbreviations and definitions.**

(a) *Abbreviations.* The following abbreviations shall have the following meanings:

BOD: Biochemical Oxygen Demand

CFR: Code of Federal Regulations

COD: Chemical Oxygen Demand

CSO: Combined Sewer Overflow

EPA: Environmental Protection Agency

L: Liter

LEL: Lower Explosive Limit

MDEQ: Michigan Department of Environmental Quality

MG: Milligrams

MG/L: Milligrams Per Liter

NPDES: National Pollutant Discharge Elimination System

POTW: Publicly Owned Treatment Works, e.g., treatment plant as defined herein

RCRA: Resource Conservation and Recovery Act

SIC: Standard Industrial Classification

SWDA: Solid Waste Disposal Act, 42 USC 6901, et seq.

TSS: Total Suspended Solids

USC: United States Code

(b) *Definitions.* Unless the context specifically indicates otherwise, the meaning of terms used in this article and related regulations shall be as follows:

*Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act as amended, Public Law 92-500 (33 USC 1251, et seq.), which is on file in the office of the superintendent.

*Authorized representative of industrial user* shall mean:

- (1) In the case of a corporation, a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy- or decision-making functions for the corporation or means the principal manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures of more than twenty-five million dollars (\$25,000,000.00), in second-quarter 1980 dollars, if authority to sign the documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) In the case of a partnership or proprietorship, a general partner or proprietor;
- (3) In the case of a limited liability company, a member; and

- (4) An authorized representative of the individual designated above if: 1) such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; 2) the authorization is in writing; and 3) the written authorization is submitted to the POTW.

*Baseline monitoring report* shall mean the initial report provided by the user when making out an application for an industrial waste sewer user permit, signed by the person in charge of the entire facility or an assigned subordinate of such person, and which shall comply with the requirements of 40 CFR 403.12(b)(1)—(7) as a minimum.

*Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees expressed in milligrams per liter.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge of soil, waste, and other drainage pipes inside the walls of the building and conveys it to the sewer extension beginning five (5) feet outside the inner face of the building wall.

*Bypass* shall mean the intentional diversions of wastewater from any portion of a user's treatment facility, needed for noncompliance with pretreatment standards.

*Categorical standards or categorical pretreatment standards* shall refer to national categorical pretreatment standards or a pretreatment standard as promulgated under 40 CFR Part 403 under authority of the Act, which apply to a specific category of users.

*Chemical oxygen demand (COD)* shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter with a strong chemical oxidant under standard laboratory procedure and expressed in milligrams per liter.

*Commencement of construction* shall mean the owner or operator has begun or caused to begin: 1) any placement, assembly or installation of facilities or equipment; 2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are necessary for the placement of new construction; or 3) entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Compatible pollutants* shall be those pollutants that the wastewater treatment plant has been designed for specific removal of and shall mean BOD, TSS, fecal coliform bacteria, total phosphorous and any other constituent that may be determined effectively treatable and added, as such, to the NPDES permit in the future.

*Compliance monitoring report* shall mean the discharge report submitted in June and December of each year, or other times as deemed necessary or appropriate by the superintendent, as noted in subsection 53-303(k)(5) of this article.

*Corporate officer* shall mean that person being a president, vice-president, secretary or treasurer of the corporation, or a person given significant policies or decision-making power for the corporation, or a general partner of a partnership, or any proprietor or owner.

*Discharger* or *industrial discharger* shall mean any nonresidential user who discharges an effluent, other than sanitary sewage, into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

*Dissolved solids* shall mean those solids in wastewater other than suspended solids.

*Domestic sewer user* shall mean a person in any residence in the village or any service area provided sewage treatment services by the village.

*Domestic wastes* shall mean normal wastes from residential living units resulting from day-to-day activities such as, but not limited to, dishwater, laundry water, bath water, sink water, shower water, toilet water, and ground garbage, but shall not include incompatible pollutants.

*Excessive discharge* shall mean a discharge of wastes in such magnitude that in the judgment of the superintendent, it will cause damage to any facility, will be harmful to the sewage treatment process, cannot be removed in the sewage treatment plant to the degree required to meet the act, can otherwise endanger life, limb or public property, and/or which can constitute a public nuisance.

*Existing site construction* shall mean a modification rather than a new source if the construction does not create a new building, structure, facility, or meet the definition of "new construction" but does alter, replace or add to an existing process or production equipment.

*Garbage* shall mean solid wastes from the preparation, cooking, serving of food, from the handling, storage and sale of produce or from the canning or packaging of food. It is composed largely of putrescible organic matter and its natural or added moisture content.

*Incompatible pollutant* shall mean any pollutant which is not defined as a "compatible pollutant" in this section.

*Industrial sewer user permit* shall mean a sewer user permit required of any nondomestic sewer user determined to need a permit.

*Industrial wastes* shall mean the liquid, solid or gaseous wastes from industrial manufacturing processes, food processing, laboratories, trades or businesses, as distinct from sanitary sewage.

*Industry* shall mean an establishment with facilities for industrial manufacturing processes, food processing, laboratories, trades or businesses.

*May* is permissive, (See "Shall").

*Milligrams per liter (MG/L)* shall mean measured concentrations of substances present and is considered equal to parts per million parts.

*National pollutant discharge elimination system permit (NPDES permit)* shall mean the permit issued by the Michigan Department of Environmental Quality to the village.

*Natural outlet* shall mean any outlet into a watercourse, river, pond, ditch, lake or other body of surface or subsurface water.

*New construction* shall mean: 1) a building, structure, facility or installation that is constructed at a site at which no other source is located; 2) a building, structure, facility or installation that totally replaces process or production equipment that causes the discharge of pollutants at an existing source; or 3) the wastewater generating processes of a building, structure, facility, or installation that are substantially independent of an existing source at the same site.

*New source* shall mean:

- (1) Any building, structure, facility, or installation from which there is, or may be a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)b. or (1)c., above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous on-site construction program:
    - (i) Any placement, assembly, or installation of facilities or equipment.
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Nondomestic sewer user* shall mean any nonresidential sewer user.

*Operational upset* shall mean any disruption to the treatment plant process caused by any materials alone or in combination with other materials.

*Pass through* shall mean a discharge from the treatment plant into waters of the state in quantities or concentrations that causes the plant to violate this article or its NPDES permit.

*Person* shall mean any individual, firm, company, association, society, corporation, group, trust, governmental authority, or other legal entity.

*pH* shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

*Pollutant* shall mean any substance discharged into a POTW or its collection system, listed in appendix A hereto.

*POTW* shall mean public owned treatment works and shall include the entire gravity collection system, pump stations, and force mains in addition to an actual sewage treatment plant.

*President* shall mean the village president, or the authorized deputy, agent, or representative of such person.

*Properly shredded garbage* shall mean garbage that has been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than half-inch in any dimension.

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, if any, and which is controlled by public authority.

*Receiving waters* shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or subsurface water receiving discharge of sewage.

*Sanitary sewage* shall mean domestic wastes from residences and domestic-type wastes from business buildings, institutions, industrial establishments and all other sources, and shall also include ground water seepage into the sanitary sewer pipe.

*Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface, and subsurface waters are not intentionally admitted.

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

*Sewage* shall mean a combination of water and water-carried wastes from residences, business buildings, institutions, industrial establishments and any other sources, together with such subsurface, surface and stormwater as may be present.

*Sewer* shall mean a pipe or conduit for carrying storm and/or wastewaters.

*Sewer connection* shall mean that part of the sewage system connected to and extending from the sewer main to the lot line of abutting property or extended to that distance from the sewer main as considered necessary by the superintendent.

*Sewer extension* shall mean that part of the sewerage system extending from the sewer connection onto the premises served.

*Sewer main* shall mean that part of the sewerage system intended to serve one or more sewer connections, catch basins, inlets, or other permitted connections or conduits.

*Sewerage system* shall mean all properties, structures, manholes, catch basins, inlets, pipes, equipment and conduits for the purpose of collecting, treating, testing, and dispensing of domestic wastewater and/or industrial or other wastewaters, as existing now or hereafter added to, expanded or improved.

*Shall* is mandatory (see "May").

*Shall discharge* means discharging, causing or allowing to be discharged, either directly or indirectly.

*Significant industrial user* shall mean any industrial user subject to categorical standards or a noncategorical discharger to the sewerage system who has a discharge flow of twenty-five thousand (25,000) gallons or more per day, or contributes five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW, or has any toxic materials in the EPA priority pollutant list, or has any materials on-site listed in the MDEQ critical materials register, or has on-site any materials in the MDEQ land application unit test list for land application of sludge, or is designated as such by the village on a basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, or has any material on-site that is found by the Village of Elkton, MDEQ, or EPA to have significant impact, either singly or in combination with wastes from other contributing users on the wastewater treatment system, the quality of the sludge, the treatment plant effluent quality, the receiving water quality, or air emissions generated by the sewerage system.

*Sludge contamination* shall mean any material deposited in the sludge that will by itself or with other materials render the sludge unusable for land application or landfilling and/or violate the NPDES permit.

*Slug Loading* shall mean any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

*Standard industrial classification (SIC)* shall mean a classification based on the most current publication of the Standard Industrial Classification Manual, Office of Management and Budget of the United States of America.

*Standard methods* shall mean the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, which is available for review at the POTW. "State" shall mean the "State of Michigan", its departments and offices.

*Storm sewer or storm drain* shall mean any drain or sewer, either natural or artificial, which is intended expressly for the conveyance of stormwater and uncontaminated water.

*Stormwater* shall mean all rainfall runoff, all other surface water, and all subsurface water, seeping, percolating or flowing through the soil.

*Superintendent* shall mean the department of public works superintendent for the village, or the authorized deputy, agent, or representative of such person.

*Total phosphorous* shall mean any phosphorous that is bound up in any organic or inorganic compound.

*Total suspended solids* shall mean solids that either float on the surface, or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering and are referred to as nonfilterable residue in the laboratory test prescribed in standard methods.

*Toxic substance* shall mean any pollutant defined by the EPA and any material or substance which alone or with other materials or substances can cause sickness or illness in animal or fish life, cause operational upset, and shall include petroleum products.

*Treatment plant or treatment system* shall mean the village wastewater treatment plant and all other structures or devices under the control and/or ownership of the Village of Elkton and used for controlling and/or treating sewage.

*Uncontaminated water* shall mean any water that has been taken in and used by a person and discharged without chemical change and meets the same physical requirements as exhibited before use.

*Upset* shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*User* shall mean any person that discharges sewage, wastewater, wastes, or uncontaminated water into the sewerage system.

*Village* shall mean Village of Elkton.

*Wastes* shall mean substances in liquid, solid, or gaseous form that is added to discharge water, or otherwise placed, dumped, or allowed into the sewerage system, by any person.

*Wastewater* shall mean combined sewage, together with any water that has been used and degraded or altered physically and/or chemically by any commercial, industrial or private use and discharged as an unwanted substance.

*Wastewater treatment plant* shall mean a "publicly owned treatment works".

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. of 4-11-06, §§ 2.01, 2.02)

### **Sec. 53-303. Regulations.**

(a) *Use of sewerage system required.*

- (1) All wastewaters in the Village of Elkton or areas under the jurisdiction of the village, and all wastewater discharged into the sewerage system by a person or municipality contracting for treatment service by the village, must be treated in accordance with provisions of this article.
- (2) It shall be unlawful to use garbage grinders of any size for grinding those materials described in subsection 53-303(d)(1)d. of this article. No person shall discharge any waste or other substance directly into a manhole, catch basin or inlet. All discharges to sewers shall be through sewer connections.

(b) *Discharge to natural outlets.* It shall be unlawful to discharge directly or indirectly to any natural outlet within the village or in any area under the jurisdiction of or contracting for treatment service by the village, any wastes or wastewaters, except where suitable treatment has been provided, in accordance with provisions of the ordinances and regulations of the village and with state and federal laws and regulations.

(c) *Grease, oil and sand interceptors.*

- (1) Grease, oil and sand interceptors shall be provided when, in the determination of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight.
- (2) Where installed, all grease, oil and sand interceptors shall be provided and maintained by the owner, at his expense, in continuously efficient operation at all times.

- (3) Chemicals and/or chemical additives shall not be added to grease, oil or sand interceptors to soften, disperse, liquefy, or otherwise treat contents of interceptors without the express written permission of the superintendent.
- (d) *Wastes prohibited.*
- (1) Except as herein provided, no person shall discharge, cause, or allow to be discharged, any pollutant which can pass through or cause interference at the POTW, or any of the following described waters or wastes, directly or indirectly, to any public sewer or POTW:
- a. Any liquid, solid or gas pollutants which create a fire or explosion hazard in the sewerage system or POTW, including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade, using the test methods specified in 40 CFR 261.21. Such material may include, but is not limited to, gasoline, kerosene, naphtha, toluene, benzene, fuel oil, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides or any other substances which the village, the state, or EPA has notified the user as a fire hazard or a hazard to the sewerage system or POTW.
  - b. Waters or wastes having a pH lower than 5.0, or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, treatment processes, or personnel of the sewerage system.
  - c. Any water or wastes having a temperature higher than one hundred (100) degrees Fahrenheit at the point of the sewer connection or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit, (forty (40) degrees Centigrade).
  - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving material, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastics, wood, brewery mash, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, or any other substance detrimental to or determined by the superintendent to be detrimental to the sewers or to the operation of the sewerage system.
  - e. Garbage that has not been properly shredded.
  - f. Any water or wastes which may contain more than one hundred (100) milligrams per liter of fats, waxes, oils or greases, or petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

- g. Quantities of flow, concentrations, or both which constitute a "slug loading" defined in subsection 53-302(b).
- h. Substances or pollutants which either alone or by interaction with other waters or wastes:
  - (i) Solidify or become viscous in the sewerage system.
  - (ii) Cause "excessive" discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (iii) Exert or cause high concentration of inert suspended solids, such as, but not limited to, lime slurries, diatomaceous earth and lime residues.
  - (iv) Exert or cause high concentration of dissolved solids such as, but not limited to, sodium chloride.
  - (v) Cause or exert a C.O.D. that would increase operational expense or cause treatment problems.
  - (vi) Cause a high chlorine demand such as, but not limited to, nitrite, cyanide, thiocyanate, sulfite and thiosulfate.
  - (vii) Results in water or waste materials containing toxic or poisonous substances that tend to damage or interfere with any sewage treatment process or that may constitute a hazard to any person, animal, fish or aquatic life or that may tend to be a hazard in the receiving waters of the state.
  - (viii) Which results in the presence of toxic gases or vapors, or fumes within the sewerage system.
  - (ix) Cause acute worker health and safety problems.
- i. Collectible floating oil.
- j. Any wastewater containing a toxic substance in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the state, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 306(A) of the Act, 33 USC 1317 and the Michigan Critical Materials Register.
- k. Any noxious or malodorous liquid, gas or solid which either singly or by interaction with other waste is sufficient to create a public nuisance or hazard to life or otherwise sufficient to prevent entry into the sewers for their maintenance and repair.
- l. Any substance which may cause the POTW effluent or any other product of the POTW such as residue, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance be discharged to the POTW and cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under section 405 of the Act,

or any criteria, guideline, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, 42 USC 7401 et seq., the Toxic Substances Control Act, 15 USC 2601 et seq., or state criteria which is legally applicable to the sludge management method being used.

- m. Any substance which will cause the POTW to violate its NPDES or state disposal system permit or the water quality standards by pass through, sludge contamination or operational upset.
- n. Incompatible pollutants in excess of the limits allowed by village, state and/or federal laws and regulations as determined and when amended, including, but not limited to, the National Categorical Pretreatment Standards, 40 CFR 403, or any other effluent guidelines developed by the environmental protection agency.
- o. Wastewaters containing in excess of the lower of the following amounts:
  - (i) The allowed pollutant limits, as determined by the EPA; or
  - (ii) For the following specified pollutants:

Arsenic	12.21	mg/l
Cadmium	0.25	mg/l
Chromium	N/A	mg/l
Copper	241.85	mg/l
Cyanide	0.05	mg/l
Lead	3.87	mg/l
Mercury	N.D. <sup>1</sup>	
Nickel	17.57	mg/l
Silver	0.14	mg/l
Zinc	0.82	mg/l
*Polychlorinated Biphenyl (PCB)	N.D. <sup>2</sup>	

Note:

<sup>1</sup> Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA method 245.1. The detection limit shall not exceed 0.1 ug/l, unless higher levels are appropriate due to matrix interference.

<sup>2</sup> The detection level shall not exceed 0.1 ug/l. Compliance monitoring shall be in accordance with EPA method 608. Any discharge of these substances at detectable levels is a specific violation of these regulations.

- (iii) For the pollutants specified in the immediately preceding subsection (ii), or any other pollutant, any lower limits subsequently established by statute, rule, regulation or permit conditions by the state or the village.
- p. The sludge, precipitate or waste which results from any industrial or commercial treatment or pretreatment of wastewater or air discharges.
- q. Any waters or wastes of such character and quantity that unusual attention or expense is required to handle it in the treatment or sewerage system.

- r. Any river water or any water other than that obtained through village water supply lines, or any wastewater or industrial waste which originates outside the service area of the treatment plant unless permission for such introduction is obtained from the superintendent in advance.
- s. Any compatible pollutant greater than quantities listed under subsection 53-303(h)(2) "discharge limitations."

(e) *Connections prohibited.* In those areas served by separate storm and sanitary sewer systems, it shall be unlawful to connect roof downspouts, areaway drains or other sources of surface runoff to a building sewer extension, which, in turn, is connected directly or indirectly to a public sanitary sewer. It shall be unlawful to directly connect eaves troughs and roof downspouts to the POTW throughout the portion of the POTW tributary to combined sewers.

(f) *Surface or subsurface water contamination prohibited.* It shall be unlawful for any person to place, deposit or permit to be deposited, or dispose of, any substance in liquid, solid, or gaseous form, or any wastewater on any public or private property within the village or in any area under the jurisdiction of or provided treatment service by the village, that will or may pollute or contaminate any surface or subsurface water, including, but not limited to, water in any watercourse, natural outlet, sewerage system or aquifer.

(g) *Domestic sewer users.* Discharge from any residence within the village or any area provided treatment service by the village shall not be in violation of subsection (d).

(h) *Nondomestic sewer users.*

- (1) *User response.* All nondomestic sewer users shall respond to the superintendent's questionnaires and correspondence within thirty (30) days unless a different time is indicated by the superintendent.
- (2) *Discharge limitations.* Under federal and state regulations now enacted or hereafter amended, the village is required to report annually on all significant industrial sewer users and to meet certain effluent limitations. The admission into the public sewerage system, either directly or indirectly, of any waste or water or other pollutants exceeding the limits listed below may be subject to review, approval, or limitation by the superintendent to meet the applicable state, federal, and/or village regulations:
  - a. A five-day BOD greater than four hundred twenty (420) milligrams per liter.
  - b. Suspended solids greater than three hundred forty (340) milligrams per liter.
  - c. A fat, oil, grease (FOG) greater than one hundred (100) milligrams per liter.
  - d. An average daily flow exceeding five (5) percent of the total average daily flow of the sewerage system.
  - e. Any incompatible pollutant.

If determined necessary by the superintendent, the user shall provide the necessary pretreatment or curtailment to stay within the above limitation. Nothing in this article shall prohibit the superintendent from requiring lower constituent amounts if it is determined necessary for the protection or effective

operation of the treatment plant. If the above limitations are exceeded then the user may be required to pay additional costs if it is determined by the superintendent that additional treatment expenses have been incurred. Future discharge limitations may be incorporated into this article.

- (3) *Incompatible pollutants.* Persons discharging incompatible pollutants, other than those constituents described in subsection (d), which are strictly prohibited from being discharged into the sewerage system, shall comply with section 307 of the Act and related regulations in reducing any incompatible pollutant which interferes with, passes through, or otherwise is incompatible with the treatment process. Any person discharging or proposing to discharge any toxic pollutant as defined by section 307(a)(1) of the Act, shall apply to the superintendent for permission for such discharge.
- (4) *Dilution.* The increased use of potable or processed water in any way, or the mixing of separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards, limitations, and/or concentrations set forth in this article is strictly prohibited.
- (5) *Toxic material and petroleum products control.*
  - a. All storage of toxic materials in any area or building shall be contained in such a manner that none of the materials may spill or otherwise get into the public sewerage system or contaminate surface or subsurface water in event of an accident or failure and shall be in accordance with current state and federal laws and regulations and village ordinances.
  - b. All above ground storage tanks with a toxic liquid solution shall be surrounded by containing walls providing such containment and capacity that the liquid will not splash over the top of the wall in the event of a sudden tank rupture. The minimum containment storage shall be one hundred fifty (150) percent of the largest tank in the containment area. A sump shall be provided in the containment area with sloped floor to remove the toxic liquid. The curbed storage area shall not be connected directly or indirectly to the public sewerage system. Underground storage tanks shall not be connected directly or indirectly to the public sewerage system. Underground storage tanks shall be controlled in a manner to prevent leakage and discharge into subsurface water and shall be in compliance with all state laws and regulations.
- (6) *Pretreatment.* Users shall make wastewater acceptable: a) under the standards established herein; b) within the allowances of the discharge permit as required in subsection (k); and c) as required under 40 CFR Part 403 before discharging to the sewerage system. All pretreatment costs to the acceptable level shall be at the user's expense. Detailed plans showing the facilities and operating procedures and effluent characteristics shall be submitted to the superintendent for review and approval before construction of the facility. The approval of such plans and procedures will in no way relieve such persons from the responsibility of modifying the facility, if necessary,

to produce an acceptable effluent. Any changes in the approved facilities or method of operation shall be reviewed and approved by the superintendent. Where required, users shall obtain approval from the applicable state or federal agency. The superintendent may require that any private wastewater treatment facilities, process facilities, sewerage systems, waste streams or any other potential waste problems be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as qualified to supervise such facilities or systems.

(7) *Control manholes and monitoring facilities.*

- a. The superintendent may require a nondomestic user served by a sewer connection or connections to install approved control manhole(s) on the connections to allow observation, sampling and measurement of all substances discharged therein. The cost of the manhole(s) and equipment determined necessary by the superintendent for sampling and metering, and installation and operation of the equipment shall be at the expense of the user.
- b. All control manholes shall be located on the user's property within ten (10) feet of the property line. The control manholes shall be constructed on the sewer connection or the stormwater connection. If the property is fenced, a gate shall be provided at the manhole location with provision for a lock to be provided by the superintendent.

If the user does not want direct access to his property for security or other reasons, he shall at his expense, construct a security fence around the control manhole of an area acceptable to the superintendent. The superintendent may allow control manholes in the street right-of-way in an approved manner and location. Those control manholes that cannot be constructed within ten (10) feet of the property line shall be in an open and accessible area.

- c. The user shall provide an approved drawing to the superintendent showing the locations of all sewer connections and control manholes. The manholes shall be located both from street lines and building lines. The drawing shall show the roadways and access points to the control manholes and note entry limitations if any, and shall state the telephone number and person to contact should entrance become necessary, and any other data considered pertinent by the superintendent. Each control manhole shall be identified by name and number. Ample space shall be provided around the control manholes and shall be maintained free and clear by the owner at all times.
- d. The superintendent or other authorized village employee or representative may inspect the facilities of any user to determine whether the purpose of this article is being met and all wastewater requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the superintendent or other village employees and representatives ready access at all reasonable times, and make provisions for emergency access, to all parts of the premises for the purpose of inspection or sampling or otherwise in the

performance of their duties. When a user has security measures in force, which require proper identification and clearance before entry is permitted into user's business or premises, the user shall make the necessary arrangements, acceptable to the superintendent, with the user's security personnel, so that upon presentation of suitable identification, the village's employees and representatives shall be permitted to enter without delay for the purposes of carrying out the village's responsibilities.

(i) *Sewer outfalls and sewer meters.* Access to and inspection of sewer outfalls to the river and sewer meters shall be as outlined under subsection (h).

(j) *Septage and landfill leachate disposal.* Septage, landfill leachate, and other trucked pollutants may be allowed disposal at the treatment plant solely at the discretion of the POTW at designated discharge points, designated by the superintendent.

(k) *Discharge permits, reports, surveillance and inspections.*

(1) *Activities and permit conditions.*

a. *Activities requiring permits.* Persons engaged in any activities listed in appendix C to the EPA pretreatment standards, 40 CFR Part 403, as revised or amended, or any nondomestic sewer user capable of discharging pollutants as determined by the superintendent, shall obtain a permit to discharge into the sewerage system. New significant industrial users must obtain a permit prior to connecting to or discharging into the sewerage systems. Permits may be required of a nondomestic sewer user who stores pollutants or toxic material on their premises.

b. *Categorical industries.* Below is the current list in "appendix C" to the EPA pretreatment standards, 40 CFR 403:

Aluminum Forming

Asbestos Manufacturing

Battery Manufacturing

Builder's Paper

Carbon Black

Cement Manufacturing

Coil Coating

Copper Forming

Dairy Products Processing

Electrical and Electronic Components

Electroplating

Feedlots

Ferrous Alloy Manufacturing

Fruits and Vegetables

Glass Manufacturing  
Grain Mills Manufacturing  
Ink Formulating  
Inorganic Chemicals  
Iron and Steel Manufacturing  
Leather Tanning and Finishing  
Meat Processing  
Metal Finishing  
Metal Molding and Casting  
Nonferrous Metals Forming  
Nonferrous Metals Manufacturing  
Paint Formulating  
Paving and Roofing (Tars and Asphalt)  
Pesticides  
Petroleum Refining  
Pharmaceuticals  
Phosphate Manufacturing  
Plastics Molding and Forming  
Porcelain Enameling  
Pulp and Paper  
Processing Manufacturing  
Rubber Processing  
Seafood Processing  
Soaps and Detergents Manufacturing  
Steam Electric  
Sugar Processing  
Textile Mills  
Timber Products Manufacturing

c. *Permit time limits and conditions.*

- (i) Permits shall be issued for a specified time period, not to exceed three (3) years, and shall carry a specific expiration date.
- (ii) A permit shall not be reassigned or transferred without written approval by the superintendent.
- (iii) Every user presently discharging to any sewerage system delivering wastewater to the treatment plant shall, within ninety (90) days from the effective date of this article, complete and file a baseline monitoring report and an

- application for a new permit with the superintendent. The baseline monitoring report shall contain the information required by 40 CFR 403.12 (b)(1)—(7) and as may be further required by the superintendent, as a minimum. Any proposed new significant industrial user or new source shall apply for a permit and provide a baseline monitoring report with information on pretreatment methods, production data, flow and amounts of regulated and other pollutants.
- (iv) A new source shall install and have in operating condition, all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. A significant industrial user shall pretreat and/or control discharge to meet limits determined by the superintendent and this article. A significant industrial user subject to categorical standards shall meet categorical discharge limits as promulgated by the EPA and MDEQ and also must meet all local limits as outlined in this sewer use article. All industrial user's shall promptly notify the superintendent in advance of any substantial change in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous waste for which the user has submitted initial notification under 40 CFR 403.12(p).
- d. *Permit alterations and hearings.* The superintendent may change the conditions or terms of a permit prior to its expiration if circumstances or state or federal laws or regulations may require, or if other good cause exists. The superintendent may modify the pollutant limitations applicable to indirect discharges as specified in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are met and prior approval from the MDEQ or EPA is given. A user shall be notified by the superintendent in writing of any proposed changes in user's permit and the reasons therefore at least sixty (60) days prior to the effective date of the change.
- e. *New source compliance deadline.* Before beginning to discharge, new sources shall install, have in operating condition and start-up all pollution control equipment needed to meet the applicable pretreatment standards and requirements within the shortest feasible time, not to exceed ninety (90) days, new sources shall meet all applicable pretreatment standards and requirements.
- (2) *Permit application requirements.* Nondomestic sewer users required to obtain an industrial sewer users permit shall complete and file with the superintendent an application, with baseline monitoring report, in the form prescribed by and available at the office of the superintendent or other designated locations, together with the fee that is included in the fee schedule in subsection 53-306(b) of this article. Users required to obtain a permit shall procure and complete the application at their own expense. In support of the application, the user shall submit, in units and terms appropriate for evaluation, all information requested by the superintendent including, but not limited to, the following shall be included in the baseline monitoring report:
- a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a

category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the superintendent a report which contains the information listed in subsection (2)b., below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in subsection (2)b., below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- b. Users described above shall submit the information set forth below:
- (i) *Identifying information.* Name, address and location of the industry, person, facility or other user for which the permit is sought, including the name and address of its operator(s) and owner(s) and the name and address of an individual at the location of the user authorized by the operator or owner to receive, on behalf of such owner or operator, any notice required in this article.
  - (ii) *Environmental permits.* A listing of any SIC numbers applicable to the user and of any environmental control permits held by or for the user.
  - (iii) *Descriptions of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (iv) *Measurement of pollutants.* Wastewater constituents and characteristics including, but not limited to, the discharge of which are affected by this article, as determined by a reliable analytical laboratory (including in-house laboratories utilizing approved EPA methods and procedures), with twenty-four-hour flow proportional composite sampling and analysis performed in accordance with procedures established by the EPA. Every laboratory providing sampling and testing results shall be required to have quality control and quality assurance programs in place to provide accurate test data. A minimum of three (3) samples in a two-week period with less than two hundred fifty thousand (250,000) gallons per day (gpd) discharge and six (6) samples in a two-week period for discharge of two hundred fifty thousand (250,000) gpd or greater are required. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall

be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures described above. Sampling must be performed in accordance with procedures described above.

- (v) *Duration.* Time and duration of discharge.
- (vi) *Flow measurement.* Measured average daily and maximum daily flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, from regulated process streams and other streams to the sewerage system as necessary to allow use of the appropriate combined waste stream formula described in 40 CFR 403.6(e).
- (vii) *Drawings.* Site plans, floor plans, mechanical and plumbing plans and details to schematically show all user's sewer lines and discharge points, including sewer connections and appurtenances, from which wastewater may be discharged into the sewerage system from the premises.
- (viii) *Activities and processes.* Description of activities, facilities and plant processes on the premises, of any substances, chemicals and solutions which will be present in such facilities or produced by such activities or processes, including all such materials which are or could be discharged.
- (ix) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements. The pretreatment standards for each process shall be identified and listed.
- (x) *Compliance schedule.* If additional pretreatment and or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
- (xi) *Pollution incident prevention plan PIPP.* Provide a PIPP to identify any possible pollutants on-site, to minimize any possible spills, and provide a plan for clean-up in the event of a discharge, spill, leak or accident. The plan should state proposed actions to contain and clean up the pollutant and a list of persons to contact, in case of an incident.
- (xii) *Concentrations.* Pollutant concentration shall be reported in milligrams per liter and the report shall include the allowed EPA and/or the limits in this article.
- (xiii) *Sampling schedule.* The baseline report shall indicate the time, date and place of sampling, methods of analysis, and certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the sewerage system, in addition to all of the requirements of 40 CFR 403.12(b)(1)—(7).

- (xiv) *Signature and certification.* The application shall be signed by an authorized representative of the industrial user as defined in subsection 53-302(b).

This person shall agree to the following:

"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."

- (3) *Application evaluation.* The superintendent will evaluate the data furnished. If insufficient data has been furnished, the superintendent will notify the applicant and further action on the permit application will not be taken until the requested information is received. Upon receipt of all requested information and a determination by the superintendent of its sufficiency, the superintendent may issue a permit with any restrictions.
- (4) *Limitations on discharge.* Limitations on the discharge of wastes into the sewerage system shall be in accordance and agreement with the applicable EPA administrative regulations as promulgated in the CFR, or as modified by the State of Michigan or Village of Elkton by the imposition of more stringent discharge limitations. A federal categorical pretreatment standard for a particular industrial subcategory, if more stringent than criteria imposed under this article for sources in that subcategory or if not covered by this article, shall supersede the criteria imposed under this article upon the date compliance is required by the federal standard.
- (5) *Compliance / self-monitoring reports.* The superintendent shall notify all affected sewer users of all applicable reporting requirements under 40 CFR 403. Each person issued a permit shall submit signed compliance monitoring reports to the superintendent during the months of June and December of each calendar year, and these reports must be based upon sampling and analysis performed during the period covered by the report, and shall submit more frequent self-monitoring reports if requested by the superintendent. The user shall be required to initiate any self-monitoring activities to assure compliance with the permit and make all reports available to the superintendent upon request. The monitoring report shall be signed by a responsible corporate officer or his designee. All reports and records pertaining thereto shall be retained a minimum of three (3) years by the permit holder or through any litigation periods related to the reports and records. The monitoring reports shall contain, in addition to any other information which the superintendent may request on a case-by-case basis in furtherance of the enforcement of this article, the following information:
- a. Any changes not previously reported when filing the permit application and baseline monitoring report or since the last compliance monitoring report.

- b. Results of sampling and analysis for BOD, COD, TSS, dissolved solids, ammonia nitrogen, phosphorus, oil and grease, cadmium, chromium, copper, lead, mercury, nickel, zinc, selenium, molybdenum, arsenic, cyanide, pH, PCB and any categorical parameter. The above listed parameters shall include what is required in each individual permit and may be altered by the superintendent depending on the process and the probability of the above or other parameters being significant.
- c. Results based on twenty-four-hour flow proportional composite sampling reported in MG/L except pH.
- d. Provide fog, temperature and cyanide daily average and daily maximum results at a sample frequency of three (3) times in two (2) weeks for flows less than two hundred fifty thousand (250,000) gallons per day and six (6) times in two (2) weeks for flows of two hundred fifty thousand (250,000) gallons per day or greater, as a minimum. Provide daily average and daily maximum flow data for the same days sampling is taken.
- e. Provide assurance that sampling and analysis shall be performed in accordance with techniques prescribed in 40 CFR Part 136 and amendments thereto.
- f. Time, date, and place of sampling, names of laboratories and persons sampling and analyzing the material.
- g. Certification that the sampling and analysis is representative of the normal work cycles and the average daily discharge.
- h. Provide a statement that all laboratories providing test results for the report have an active quality control and quality assurance program in operation to provide reliable and accurate test data.
- i. Certification that toxic material or material that could cause a slug loading or could have a detrimental effect on the sewerage system is properly stored in a contained area to eliminate any possible discharge into the sewer system.
- j. An industry governed by categorical standards must report on all required parameters in MG/L and indicate the allowed categorical limits as set by the EPA and this article. All other nondomestic users shall report on all required limits and indicate the allowed limits as set by this article and the permit.
- k. All reports must be signed by an authorized representative of the user and contain 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."

- (6) *Periodic compliance reports.*
  - a. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
  - b. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the superintendent, the results of this monitoring shall be included in the report.
- (7) *Compliance schedule progress reports.*
  - a. 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing, and completing construction, and beginning and conducting routine operation);
  - b. No increment referred to above shall exceed nine (9) months;
  - c. The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as 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; and
  - d. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.
- (8) *Significant noncompliance.* The village will provide at least annual public notification, in the area's largest newspaper, a list of significant industrial or nondomestic users which, during the previous twelve (12) months, were in significant noncompliance of applicable pretreatment standards or other pretreatment requirements and violations of this article. A significant noncompliance is a violation which meets one or more of the following criteria:
  - a. Chronic violations of wastewater discharge limits in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;
  - b. Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter