

## Ordinance No. 1129

# City of Ypsilanti Sewer Use Ordinance

## Article IV. Sewer Service

### DIVISION 1. GENERALLY

#### Sec. 106-140. Applicability of Ordinance.

This Ordinance shall apply to all Users that discharge into the Ypsilanti Community Utilities Authority's (YCUA) publicly owned treatment works (the POTW). In addition, it shall be unlawful for any User located outside the City limits to continue discharges to the POTW except as provided in this Ordinance. In addition, this Ordinance shall establish permit requirements for connections or alterations to City or YCUA sewage works facilities or the POTW; govern the design, construction, alteration or use of and connection to the sewage works and POTW; regulate the discharge of wastewater into the sewage works and POTW; prohibit certain detrimental conduct; authorize the issuance of permits; authorize inspections; provide for administration and enforcement of this Ordinance; establish civil and criminal penalties for violations; and authorize the enforcement of and ensure compliance within the City of the Federal Water Pollution Control Act, the Clean Water Act and the Michigan Natural Resources and Environmental Protection Act, more specifically defined herein, and regulations promulgated and adopted under said acts and statutes.

#### Sec.106-141 Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Act, "the Act," the Federal Water Pollution Control Act and the Clean Water Act* are used interchangeably in this Ordinance and refer to Public Law 92-500, as adopted in 1972 and amended by Public Law 95-217 in 1977, and any succeeding amendments and any administrative rules promulgated there under, as amended or revised from time to time.

*Alternative discharge limit* means limits set by the YCUA in lieu of the promulgated national categorical pretreatment standard for integrated facilities in accordance with the combined waste stream formula as set by the EPA.

*Authorized representative of Industrial User* means (1) a responsible corporate officer, if the Industrial User is a corporation, who shall be 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 250 persons or having a gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above and if all of the following apply:

- (a) The authorization is made in writing by the individual described in subsections 1 or 2 of this definition.
- (b) This authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (c) The written authorization is submitted to the Director. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation

of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this definition shall be submitted to the Director or YCUA prior to or together with any reports to be signed by an authorized representative.

*Best Management Practices (BMP)* means programs, practices, procedures or other directed efforts, initiated and implemented by Users, which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but not limited to the Ypsilanti Community Utilities Authority (YCUA) publicly owned treatment system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or design of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control, and may include technical and economic considerations. BMP's may be structural or non-structural or both. In determining what BMPs will be required of an User in a particular case, the Director may consider all relevant technological, economical, practical, and institutional considerations as determined relevant and appropriate by the Director, consistent with achieving and maintaining compliance with the requirements of this Ordinance and other applicable laws and regulations.

*Best Management Practices Plan (BMPP)* means a written document that describes how the BMPs will be accomplished.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter).

*Board* means the Board of Commissioners of the Ypsilanti Community Utilities Authority.

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

*Building sewer* means that extension from the building drain to the public sewer or other places of disposal.

*Bypass* means intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

*Chemical oxygen demand (COD)* means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

*Chlorine demand* means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

*City* means the City of Ypsilanti, or the City Council of Ypsilanti.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Combined waste stream* means the waste stream at industrial facilities where regulated process effluent is mixed with other wastewaters (either regulated or unregulated) prior to treatment.



*Compatible pollutant* means a substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coli form bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, and phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

*Composite sample* means a sample formed either by continuous sampling or by mixing discrete samples obtained at intervals over a period of time. The individual samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the YCUA. Where time-proportional composite sampling or grab sampling is authorized by the YCUA, the samples must be representative of the Discharge. Manual generation of a composite sample through the collection and combining of grab samples may be approved if the User demonstrates to the satisfaction of the Director that this will provide a representative sample of the effluent being discharged.

The decision to allow the alternative sampling must be documented in the Industrial User's file for that facility or facilities. Composite sampling protocols delineated in the User's Permit take precedence.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Daily maximum* means the concentration or mass loading that shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetical average measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that calendar day. If grab samples are required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. If only one grab sample is collected for a parameter on a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of that single grab sample. If the pollutant concentration in any sample is less than the applicable detection limit, that value shall be regarded as zero (0) when calculating the daily maximum concentration. *Debt service charges* means the charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the sewage works.

*Department of Natural Resources and Environment or DNRE* means the State of Michigan Department of Natural Resources and Environment, Administrator or other duly authorized official.

*Director or Director* means the Director of the YCUA or his authorized deputy, agent or representative.

*Domestic sewage* means waste and wastewater from humans or household operations, which is discharged to, or otherwise enters, a POTW.

*Environmental protection agency, or EPA* means the U.S. Environmental Protection Agency, administrator or other duly authorized official.



*"Fats, Oils, and Grease" (FOG)* means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other non-volatile or semi-volatile material of animal, vegetable or mineral origin that is extractable by solvents in accordance with standard methods.

*Flow Proportional Sample* means a composite sample taken with regard to the flow rate of the waste stream.

*Food Service Establishment (FSE)* means a non-domestic User that engages in one or more of the following food preparation activities: cooking by frying (all methods); baking (all methods); grilling; sautéing, rotisserie cooking; broiling (all methods); boiling; blanching; roasting; toasting; poaching; infrared heating; searing; barbecuing; and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

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

*Garbage* means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

*Grab sample* means a sample taken from a waste stream on a 1-time basis over a period of time of not more than 15 minutes without regard to the flow in the waste stream.

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

*Incompatible pollutants* mean any pollutant, which is not a compatible pollutant.

*Industrial wastes* means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

*Industrial User* means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable, but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

*Industrial User Permit or Industrial User Pretreatment Permit* means a discharge permit issued by the Director under this Ordinance and the YCUA Industrial Pretreatment Program.

*Infiltration* means that portion of ground water, which is unintentionally admitted to a sewer.

*Interference* means a discharge, alone or in conjunction with a discharge or discharges from other sources, to which both of the following provisions apply: (1) the discharge inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or its sludge processes, use or disposal; (2) pursuant to paragraph (1) of this definition, the discharge is a cause of a violation of any requirement of the YCUA or the Act or the State Act, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under, or more stringent state or local regulations: Section 405 of the clean water act; the solid waste disposal act, 42 USC Section 2601 et seq, including Title II, more commonly referred to as the resource conservation and recovery act, and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the solid waste disposal act; the clean air act, 42 USC Section 7401 et seq; the toxic substances control act, 15 USC Section 2601 et seq; the marine protection, research, and sanctuaries act, 33 USC Section 1401 et seq. *Instantaneous maximum concentration* means the maximum concentration of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If



the concentration determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample exceeds the instantaneous maximum concentration, the instantaneous maximum concentration shall be deemed to have been exceeded. Any discharge of a pollutant at or above a specified instantaneous maximum concentration is a violation of this Ordinance and the YCUA Industrial Pretreatment Program.

*Mercury reduction plan* means a plan to ensure that the maximum allowable mercury loading to the POTW is not exceeded as described in Section 106-201 of this ordinance.

*National categorical pretreatment standard, categorical pretreatment standard or categorical standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the clean water act, 33 USC Section 1317, which apply to a specific category of nondomestic Users and which appear in 40 CFR Chapter I, subchapter N (1990), parts 405-471.

*National pollutant discharge elimination system or NPDES permit* means a permit issued pursuant to section 402 of the Act (33 USC 1342).

*National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

*New source* means any building, structure, facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under section 307(c) of the clean water act will be applicable to the source if the standards are thereafter promulgated in accordance with section 307(c), and if any of the following provisions apply: (1) the building, structure, facility, or installation is constructed at a site at which no other source is located; (2) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) the production of wastewater-generated processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. The extent to which the new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing plant should be considered in determining whether the process is substantially independent.

*Nondomestic User* means an industry, commercial establishment, or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage.

*Operation and maintenance* means all work, materials, equipment, utilities, administration and other effort required to operate and maintain the sewage works consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and includes the cost of replacement.

*Operator* means the person responsible for the overall operation of a facility.

*Owner* means the person who owns a facility or part of a facility.

*Pass through* means a discharge that exits the WWTP into State waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Act, the State Act, or the NPDES permit, including an increase in the magnitude or duration of a violation.

*Person* means any individual, partnership, copartner ship, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity or any

other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context. *pH* means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution or expressed in Standard Units (SU).

*Pollutant* means any of the following: substances regulated by categorical standards; substances discharged to the POTW that are required to be monitored, are limited in the POTW's permit, or are or are to be identified in the POTW's permit application; substances for which control measures on nondomestic Users are necessary to avoid restricting the approved residuals management program of the POTW; substances for which control measures on nondomestic Users are necessary to avoid operational problems at the POTW; substances for which control measures on nondomestic sources are necessary to avoid worker health and safety problems in the POTW.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d).

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a nondomestic User.

*Pretreatment standards* means any regulation containing pollutant discharge limits promulgated in accordance with section 307(b) and (c) of the clean water act and the state act. This term includes prohibited discharges and local limits defined in R 323.2303 and categorical standards.

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

*Publicly owned treatment works (POTW)* means the treatment works owned and/or operated by the YCUA and includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. The term also includes sewers, pipes, and other conveyances if they convey wastewater to or through the publicly owned treatment works. The term also means the municipality (the City of Ypsilanti) that has jurisdiction over indirect discharges to, and discharges from, the treatment works.

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

*Replacement* means the replacement in whole or in part of any equipment in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other state and federal regulations.

*Sanitary Sewer* means a sewer, which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

*Severe property damage* means substantial physical damage to property, damage to the treatment facilities, which cause them to become inoperable, or substantial or 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 or wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the sewage works.

*Sewage treatment or wastewater treatment plant* means any arrangement of devices and structures used for treating sewage.

*Sewage works* means all municipal facilities for collecting, pumping, treating and disposing of sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Sewer service charge* means the sum of any applicable User charges, surcharges and debt service charges. *Shall* is mandatory; *may* is permissive.

*Significant Industrial User (SIU)* means either of the following: (1) a nondomestic User subject to categorical pretreatment standards under 40 CFR Part 403 (1992) and 40 CFR Chapter I, subchapter N (1990); or (2) A nondomestic User that, in the opinion of YCUA or of the City, has a reasonable potential to adversely affect the POTW's operation, or for violating any pretreatment standard or requirement or that contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, non contact cooling, and boiler blow down wastewater. City Any User designated as significant may petition the City to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

The Director may determine that a User that meets the criteria of Subsections (1) and (2) of this definition above is not currently a Significant Industrial User, if the Director finds that the User has no reasonable potential to adversely affect the operation of the POTW, to violate any pretreatment standard or requirement, or that a Industrial User Permit is not required to meet the purposes and objectives of this Ordinance. A determination that a User is not a Significant Industrial User (or that a permit is therefore not required) shall not be binding and may be reversed by the Director at any time based on changed circumstances, new information, or as otherwise determined necessary by the Director to meet the purposes and objectives of this Ordinance.

*Significant noncompliance* means any of the following: (1) chronic violations of wastewater discharge limits, defined as results of analyses in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l); (2) technical review criteria (TRC) violations, defined as results of analyses in which 33% or more of all of the measurements taken for the same pollutant parameter taken during a 6-month period equal or exceed the product of the Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable technical review criteria. (Technical review criteria equals 1.4 for compatible pollutants and 1.2 for all other pollutants, except pH.); (3) any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l), (daily maximum, longer-term average, instantaneous limits, or Narrative Standard) that the YCUA determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of City or YCUA personnel or the general public; (4) any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the YCUA's exercise of its emergency authority under Rule 323.2306(a) (vi) of the Part 23 Rules under the State Act or its emergency authority under this Ordinance to halt or prevent the discharge; (5) failure to meet, within 90 days after a scheduled date, a compliance schedule milestone contained in a YCUA or other local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; (6) failure to provide, within 30 days after the due



date, a required report such as, but not limited to, a baseline monitoring report, 90 day or other compliance report, periodic self-monitoring report, or report on compliance with a compliance schedule; (7) failure to timely or accurately report non compliance; or (8) any other violation or group of violations, which may include a violation of Best Management Practices, that YCUA determines will affect or has adversely affected the operation or implementation of the YCUA pretreatment program or operation of the POTW.

Slug, Slug Loading, Slug Discharge means either:

1. Any discharge of pollutants at a volume or concentration that causes upset of or interference with the POTW or causes the pass-through of pollutants to receiving waters, or
2. Any discharge of a pollutant(s), measured by a grab sample, at a concentration exceeding five (5) times the composite or grab sample discharge limit, or
3. Any discharge of wastewater outside the pH range of 5 – 11 S.U. for either a continuous duration of greater than or equal to fifteen minutes or for a sum total of thirty minutes within one day, or
4. Any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge.

*State* means State of Michigan.

*State Act* means Public Act 451 of 1994, the Natural Resources and Environmental Protection Act (NREPA), as amended, and any administrative rules promulgated there under, as amended or revised from time to time.

*Storm sewer* or *storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*Storm water* means any flow occurring during or following any form of natural precipitation and resulting there from.

*Surcharge* means an extra charge to cover the cost of treating, sampling and testing extra strength sewage.

*Suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

*Toxic pollutant* means any pollutant or combination of pollutants, which is or can potentially be harmful to the public health or the environment including those listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

*User* means any person who contributes, causes or permits the contribution of wastewater into the sewage works.

*User charge* means a charge levied on Users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement.

*User class* means the kind of User connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental, defined as follows: (1)

*Residential User* means a User of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semidetached and row houses, mobile homes, apartments, or permanent multifamily dwellings (transient lodging is not included, it is considered commercial); (2) *Industrial User* means any User who discharges an "industrial waste" as defined in this Ordinance or any nondomestic source who discharges pollutants to the sewage works or POTW; (3)



*Commercial User* means an establishment involved in a commercial enterprise, business or service, which, based on a determination by the YCUA discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a Residential User or an Industrial User;

(4) *Institutional User* means any establishment involved in a social, charitable, religious, or educational function which, based on a determination by the YCUA discharges primarily segregated domestic wastes or wastes from sanitary conveniences; and (5) *Governmental User* means any federal, state or local government User of the wastewater treatment works. *Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(Code 1983, § 2.151)

**Sec. 106-142. Abbreviations.**

The following abbreviations shall have the following meanings:

ASTM -- American Society for Testing and Materials

BMP -- Best Management Practices

BMPP -- Best Management Practices Plan BOD -- Biochemical oxygen demand

CFR -- Code of Federal Regulations

COD -- Chemical oxygen demand

CWA -- Clean Water Act

DNRE -- Department of Natural Resources and Environment (State of Michigan)

EPA -- Environmental Protection Agency

FOG -- Fats, Oils, and Grease

l -- liter

MRP -- Mercury Reduction Plan

mg -- milligrams

mg/l -- milligrams per liter

NPDES -- National Pollutant Discharge Elimination System

O&M -- Operation and Maintenance

POTW -- Publicly Owned Treatment Works

SIC -- Standard Industrial Classification

SS -- Suspended solids

USC -- United States Code

WWTP -- The Ypsilanti Community Utilities Authority Wastewater Treatment Plant

WEF -- Water Environment Federation

YCUA -- Ypsilanti Community Utilities Authority

(Code 1983, § 2.152)

**Sec. 106-143. Protection from damage.**

It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works or POTW.

(Code 1983 § 2.213)

**Secs. 106-144—106-155. Reserved.**

**DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

**Sec. 106-156. Permit or authorization required.**

It shall be unlawful to discharge to the waters of the state within the City, or in any area under the jurisdiction of such City and/or to the sewage works, any wastewater except as provided by an NPDES permit and/or as authorized by the City and the YCUA in accordance with the provisions of this Ordinance.

(Code 1983, § 2.201)

**Sec. 106-157. Information required prior to connection to system.**

All Industrial Users proposing to connect to or to contribute to the sewage works shall submit

information on the use, processes and wastewater to the Director before connecting to or contributing to the sewage works. The information submitted must be sufficient for the YCUA to determine the impact of the User's discharge on the sewage works and the need for pretreatment. The User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) The name, address and location of the User.
- (2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended and the Industrial Category subject to National Categorical Pretreatment Standards, 40 CFR, Chapter 1, Subchapter N, Part 403, Appendix C, if applicable.
- (3) Wastewater constituents and characteristics including but not limited to those pollutants mentioned in section 106-197 through 106-206 of this Ordinance, when required by the Director, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (March 26, 2007), as amended from time to time. Where 40 CFR part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods of any other applicable sampling and analytical procedures, including procedures suggested by the publicly owned treatment works or other parties, approved by the EPA.
- (4) The time and duration of contribution.
- (5) The average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation, if the User is a SIU or as required by the YCUA.
- (7) A description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged.
- (8) The nature and concentration of any pollutants in the discharge, which are limited by any YCUA, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required by the Industrial User to meet applicable pretreatment standards.
- (9) 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 shall be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards.
  - (b) No increment referred to in subsection (9)a of this section shall exceed nine months.
  - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Director.
- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) The type and amount of raw materials processed, average and maximum per day.
- (12) The number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Any other information as may be deemed by the Director to be necessary to evaluate the impact of the discharge on the sewage works.



(Code 1983, § 2.202)

**Sec. 106-158. Reporting required after promulgation or revision of a pretreatment standard and reporting from a new source.**

Within 180 days of the promulgation or revision of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under R 323.2311(2) of the Part 23 Rules promulgated under the State Act, whichever is later, existing nondomestic Users subject to the categorical pretreatment standards and currently discharging, or scheduled to discharge, to the POTW shall submit, to the YCUA, a report that contains all of the information listed in this Section. Where reports containing this information already have been submitted to the YCUA or EPA in compliance with the requirements of 40 C.F.R. S128.140 (b) (1977), the nondomestic User will not be required to submit the information again. Not less than 90 days before the commencement of a discharge, sources that become nondomestic Users subsequent to the promulgation of an applicable categorical standard and new sources shall be required to submit, to the YCUA, a report that contains the information listed in subdivisions (1) to (5) of this Section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subdivisions (4) and (5) of this Section. All of the following information shall be submitted pursuant to this Section.

(1) The name and address of the facility including the name of the operator and owners.

(2) A list of any environmental control permits held by or for the facility.

(3) A brief description of the nature, average rate of production, and standard industrial classification of the operation or operations carried out by the nondomestic User. The description shall include a facility drawing and schematic process diagram that indicates points of discharge to the POTW and from which processes the discharges originate.

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW for each of the following:

(a) Regulated process streams.

(b) Other streams as necessary to allow use of the combined waste stream formula specified in R 323.2311(6). YCUA may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) All of the following information shall be provided with respect to the measurement of pollutants:

(a) The identity of the pretreatment standards, including state or local standards, applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or YCUA, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration or mass, where required, shall be reported. The sample shall be representative of daily operations.

(c) A minimum of 4 grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques. The YCUA may waive flow-proportional composite sampling for any nondomestic User that demonstrates that time-proportional sampling is representative of the discharge during the sampling period.

Samples obtained through time-proportional composite sampling techniques or through a minimum of 4 grab samples may be approved by the Director or designee when the User demonstrates that this will provide a representative sample of the effluent being discharged.

(d) With the exception of the pollutants specified in paragraph (c) of this subsection, the User shall take a minimum of 1 representative sample to compile the data necessary to comply with the requirements of this sub-section.

(e) Samples should be taken immediately downstream from pretreatment facilities if the facilities exist or immediately downstream from the regulated process if pretreatment facilities do not exist. If other wastewaters are mixed with the regulated wastewater before pretreatment, the nondomestic User should measure the flows and concentrations necessary to allow use of the combined waste stream formula specified in R 323.2311(7) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with R 323.2311(5), the adjusted limit and supporting data shall be submitted to YCUA.

(f) Sampling and analysis shall be performed in accordance with the techniques



prescribed in 40 C.F.R. part 136 (March 26, 2007). Where 40 C.F.R. part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by YCUA or other parties, approved by the EPA.

(g) The YCUA may allow the submission of a baseline report that utilizes only historical data if the data provides information sufficient to determine the need for industrial pretreatment measures.

(h) The baseline report shall indicate the time, date, and place of sampling and the methods of analysis and shall certify that the sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(6) A statement, reviewed by an authorized representative of the nondomestic User 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 or additional pretreatment is required for the nondomestic User to meet the pretreatment standards and requirements.

(7) If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the nondomestic User will provide such additional pretreatment or operation and maintenance. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard. All of the following conditions shall apply to compliance schedules:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the nondomestic User to meet the applicable categorical pretreatment standards. The events may include any of the following: (i) The hiring of an engineer; (ii) Completing preliminary plans; (iii) Completing final plans; (iv) Executing contracts for major components; (v) Commencing construction; (vi) Completing construction; or (vii) Other similar major events; (b) An increment referred to in this sub-section shall not be more than 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the nondomestic User shall submit a progress report to YCUA, including, at a minimum, whether or not the User complied with the increment of progress to be met on a particular date and, if not, the date on which the User expects to comply with the increment of progress, the reason for delay, and the steps being taken by the nondomestic User to return the construction to the schedule established. Not more than 9 months shall elapse between progress reports to YCUA.

(8) Where the nondomestic User's categorical pretreatment standard has been modified by a removal allowance under R 323.2311(7) or a fundamentally different factors variance under R 323.2313(b) at the time the nondomestic User submits the report required by this rule, the information required by subdivisions (6) and (7) of this section shall pertain to the modified limits.

(9) Any changes to information requested under subdivisions (1) to (5) of this section shall be submitted by the nondomestic User to YCUA within 60 days.

(Code 1983, 2.203)

**Sec. 106-159. Additional reporting required and periodic report requirements.**

(1) Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the sewage works, POTW or the WWTP, any nondomestic User subject to pretreatment standards and requirements shall submit to the Director and/or YCUA a report containing the information required in subsections (4) through (6), inclusive, of Section 106-158 of this Ordinance. For Industrial Users subject to equivalent mass or concentration limits established by YCUA in accordance with the procedures in R 323.2311(5) of the Part 23 Rules promulgated under the State Act or otherwise established by the Act or the State Act or rules promulgated there under, the report shall contain a reasonable measure of the nondomestic User's long-term production rate. For all other nondomestic Users subject to categorical pretreatment standards expressed in terms of



allowable pollutant discharge per unit of production, or other measure of operation, the report shall include the nondomestic User's actual production during the appropriate sampling period.

(2) The YCUA may impose mass limitations on Users, which are using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate.

(3) All of the following provisions shall apply to periodic reports on continued compliance:

(a) Any nondomestic User subject to a categorical pretreatment standard after the compliance date of the pretreatment standard or, in the case of a new source, after commencement of the discharge into the publicly owned treatment works shall submit, to the YCUA semiannually, unless required more frequently in the pretreatment standard or by the YCUA, a report indicating the nature and concentration of pollutants in the effluent that are limited by the categorical pretreatment standards. In addition, the report shall include a record of measured or appropriately estimated average and maximum daily flows for the reporting period for the discharge reported in subsection 106-158 (4) or this Ordinance, except that YCUA may require more detailed reporting of flows.

(b) Where YCUA has imposed mass limitations on nondomestic Users as provided for by R 323.2311(5) of the Part 23 Rules promulgated under the State Act or where such limitations are otherwise established by the Act or the State Act or Rules promulgated there under, the report required by subsection (1) immediately above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the nondomestic User.

(c) For nondomestic Users subject to equivalent mass or concentration limits established by the YCUA or under the Act or the State Act or Rules promulgated there under, the report required by subsection (1) immediately above shall contain a reasonable measure of the nondomestic User's long-term production rate. For all other nondomestic Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (1) immediately above shall include the nondomestic User's actual average production rate for the reporting period.

(4) All categorical and non-categorical nondomestic Users shall notify the YCUA immediately of all discharges that could cause problems to the POTW, including any slug loadings.

(5) All of the following provisions apply to Significant Industrial Users that are Categorical Industrial Users or Non-categorical Industrial Users in regards to monitoring and analysis to demonstrate continued compliance:

(a) The reports required in Section 106-158 or this Ordinance or in this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the YCUA, of pollutants contained in the discharge that are limited by the applicable pretreatment standards. The sampling and analysis may be performed by the YCUA instead of the nondomestic User. Where the YCUA elects to perform the required sampling and analysis instead of the nondomestic User, the nondomestic User will not be required to submit the compliance certification required under Section 106-158 (6) and subsection (1) of this Section. In addition, where the YCUA collects all the information required for the report, including flow data, the nondomestic User will not be required to submit the report. The YCUA shall provide, to the nondomestic User, within 10 days after the results are available, the results of any sampling the YCUA performs for nondomestic User self-monitoring that show a violation of any pretreatment standard. Any certification required by a categorical pretreatment standard shall be included with the semiannual compliance reports.

(b) If sampling performed by a nondomestic User indicates a violation of pretreatment standards, the nondomestic User shall notify the YCUA within 24 hours of becoming aware of the violation. The nondomestic User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the YCUA within 30 days after becoming aware of the violation; however, the nondomestic User is not required to resample if the YCUA performs sampling at the nondomestic User at a frequency of at least once per month or if the YCUA performs sampling at the nondomestic User between the time when the nondomestic User performs its initial sampling and the time when the nondomestic User receives the results of the sampling.

(c) The reports required in subsection (c) of this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by



the report, which data is representative of conditions occurring during the reporting period. The YCUA may require a frequency of monitoring that is necessary to assess and assure compliance by nondomestic Users with applicable pretreatment standards and requirements.

(d) All analyses shall be performed in accordance with procedures established by the E.P.A. pursuant to section 304(h) of the clean water act and contained in 40 C.F.R. part 136 (March 26, 2007) or with any other test procedures approved by the E.P.A. Sampling shall be performed in accordance with the techniques approved by the E.P.A. Where the provisions of 40 C.F.R. part 136 (March 26, 2007) do not include sampling or analytical techniques for the pollutants in question, or where the E.P.A. determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the YCUA or other parties and approved by the E.P.A.

(e) If a nondomestic User monitors any pollutant more frequently than required by the YCUA using the procedures prescribed in subsection (d) immediately above, the results of the monitoring shall be included in the report.

(f) A minimum of one (1)-grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques. The YCUA may waive flow-proportional composite sampling for any nondomestic user that demonstrates that time-proportional sampling is representative of the discharge during the sampling period. Samples obtained through time-proportional composite sampling techniques or through a minimum of 4 grab samples may be approved by the Director or designee when the user demonstrates that this will provide a representative sample of the effluent being discharged.

(6) The YCUA may require appropriate reporting from nondomestic Users that have discharges, which are not subject to categorical pretreatment standards. Significant industrial Users shall submit, to the YCUA, at least semiannually, a description of the nature, concentration, and flow of the pollutants required to be reported by the YCUA. The reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 C.F.R. part 136 (March 26, 2007). Where the provisions of 40 C.F.R. part 136 (March 26, 2007) do not contain sampling or analytical techniques for the pollutant in question, or where the E.P.A. determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the YCUA or other persons and approved by the E.P.A. The sampling and analysis may be performed by the YCUA instead of the significant Industrial User. Where the YCUA collects all of the information required for the report, the Significant Industrial User will not be required to submit the report. The YCUA shall provide, to the nondomestic User, within 10 days after the results are available, the results of any sampling it performs for nondomestic User self-monitoring that show a violation of any pretreatment standard. Where YCUA performs sampling for a Significant Industrial User, YCUA must perform any required repeat sampling and analysis within thirty (30) days of becoming aware of a violation.

(7) All periodic compliance reports shall be certified and signed by the authorized representative of the industrial user. The authorized representative shall state the following certification when submitting the periodic compliance reports to YCUA: ***"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."***

(Code 1983, § 2.204)

#### **Sec. 106-160. Powers of the YCUA.**

Wastewater discharges shall be expressly subject to all provisions of this Ordinance, the Act



and State Act and all other applicable regulations established by the YCUA. The YCUA may:

- (1) Limit the average and maximum wastewater constituents and characteristics.
- (2) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization.
- (3) Require the installation and maintenance of inspection and sampling facilities.
- (4) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (5) Establish compliance schedules.
- (6) Require submission of technical reports or discharge reports.
- (7) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the YCUA, and affording YCUA access thereto, and copying thereof.
- (8) Require notification of slug discharges and accidental spills.
- (9) Require other conditions as deemed appropriate by the YCUA to ensure compliance with this Ordinance, the Act and the State Act. The YCUA shall require notification of the YCUA for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(Code 1983, § 2.205)

**Sec. 106-161. Sampling and monitoring facilities may be required.**

The YCUA shall, when determined necessary by the Director, require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the YCUA and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the YCUA.

(Code 1983, § 2.206)

**Sec. 106-162. Right to access of facilities for inspection, sampling, records examination, record copying or other duties.**

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

(Code 1983, § 2.207)

**Sec. 106-163. Compliance with Ordinance provisions required.**

(1) Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance, the Act and State Act and shall achieve compliance with all pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the YCUA, the Act or the State Act. Any Industrial User that qualifies as a new source is required to have pretreatment equipment installed and operational before discharging and shall be in full compliance within 90 days of initial discharge. Any facilities required to pretreat wastewater to a level acceptable to the YCUA shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the YCUA for review, and shall



be approved by the YCUA before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the YCUA under the provisions of this Ordinance, the Act or the State Act. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the YCUA prior to the User's initiation of the changes.

(2) As required by Section 403.8(f)(2)(vii) of the Federal Register, the YCUA shall publish at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of the Industrial Users, which during the previous 12 months, were in significant noncompliance with any applicable pretreatment requirements. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or DNRE upon request.

(Code 1983, § 2.208)

**Sec. 106-164. Confidentiality of information.**

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the DNRE and the EPA without restriction and shall be available to the public without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User, in accord with applicable provisions of the state freedom of information act, Public Act 442 of 1976, as amended and Rule 323.2314 of the Part 23 Rules promulgated under the State Act.

(Code 1983, § 2.209)

**Sec. 106-165. Enforcement by City.**

All orders, directives, legal and/or equitable actions, which are necessary and appropriate to enforce this Ordinance; YCUA and/or the City shall carry out the Act and State Act. Nothing contained in subsection (a) of this section shall preclude the City or YCUA from instituting, maintaining or joining any legal and/or equitable actions to enforce this Ordinance, the Act and State Act.

(Code 1983, § 2.231)

**Sec. 106-166. Records, accounts, audits, classification of Users, insurance.**

(1) The YCUA will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The YCUA will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

(2) In conjunction with the audit there shall be an annual review of the sewer charge system for adequacy in meeting expected expenditures for the following year.

(3) Classification of old and new Industrial Users may also be reviewed annually.

(4) The YCUA will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems.

(5) Retention of Records A User shall retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Ordinance, an order, or a permit, all documentation associated with Best Management Practices, and the records of all data used to complete the application for a permit, for a period of at least three years from the date of a sample, measurement, report application or orders. The Ypsilanti Community Utilities Authority may extend this period at any time.

(Code 1983, § 2.232)

**Sec. 106-167. Powers and authority of inspectors.**

The Director and other duly authorized employees of the Ypsilanti Community Utilities Authority bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in



accordance with the provisions of this Ordinance, the Act and State Act.

(Code 1983, § 2.215)

**Sec. 106-168. Enforcement Process.**

(1) **Emergency Suspension.** The Director may suspend the wastewater treatment service and/or any permit issued under this Ordinance when such a suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial danger to the health or welfare of persons or the environment, the POTW, or constitutes a violation of any condition of a NPDES or other permit, this Ordinance, the Act or State Act. Any User notified of a suspension of wastewater treatment services or a permit shall immediately stop or eliminate its discharge into a City or YCUA sanitary sewer. If a User fails to immediately comply with such a suspension order and as required in this section, the YCUA shall take such steps as deemed necessary, including immediate termination or severance of the User's sewer connection to prevent or minimize damage to any person, the POTW or the environment. The YCUA shall allow the User to recommence its discharge upon receipt of proof of compliance with this Ordinance and the elimination of the discharge and/or identified danger. A User whose wastewater treatment service or permit has been suspended under this Ordinance shall submit, within fifteen (15) days of the suspension, a written statement to the Director describing the causes of the harmful discharge and the measures taken to prevent future harmful discharges in addition to other information required by this Ordinance or otherwise required by the Act or State Act under such circumstances.

(2) **Notice Letter** – The minimum enforcement response that the Director or his/her designee will use to notify a User that a violation of the local applicable sewer use ordinance or YCUA Industrial Pretreatment Program has occurred or is occurring.

(3) **Notification of Violation.** Whenever the Director finds that any User has violated or is violating any provision of this Ordinance or a wastewater discharge permit, an order issued under this Ordinance, the Act or State Act; the Director may serve upon said User written notice of the violation.

Within thirty (30) days of receipt of such notice the User shall submit to the Director or designee an explanation of the violation and a written plan for satisfactory correction. Submission of this plan does not relieve the User of liability for any violations occurring before or after receipt of the notice of violation or as otherwise provided in this Ordinance, the Act or State Act.

(4) **Show Cause Order.** The Director may order any User violating this Ordinance or the IPP a permit, an order issued under this Ordinance, the Act, or State Act, to show cause why a proposed enforcement action should not be taken. The show cause notice shall require the User to appear before the Director for a show cause meeting within a reasonable time, not less than ten (10) days after first class mailing of the order to the User's recorded or last known address. Enforcement action may be pursued whether or not a User appears at a show cause meeting and issuance of a show cause order does not relieve the User of liability for any violation occurring before or after receipt of the notice or as otherwise provided in this Ordinance, the Act, or State Act.

(5) **Consent Order.** The Director is empowered to enter into Consent Orders, Assurances of Voluntary Compliance and other similar documented agreements establishing an agreement with a User responsible for non-compliance with an order, permit, this Ordinance, the Act or State Act. Such a document may include compliance schedules, stipulated fines or penalties, the amount of which shall not be limited by the civil fine assessment provision of this Ordinance, remedial actions and signatures of the Director and User. Consent Orders or similar documented agreements prepared and executed under this section shall have the same force and effect as other orders issued under this Ordinance.

(6) **Compliance Order.** When the Director finds that a User has violated or continues to violate this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, an order may be issued to the User directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated and compliance is otherwise achieved. Such an order may contain other requirements as might be reasonably necessary and appropriate to address the non-compliance, including, but not limited to, the installation of pre-treatment technology, additional self-monitoring and new management practices.



Issuance of a compliance order does not relieve the User of liability for any violation occurring before or after receipt of the notice or as otherwise provided in this Ordinance, the Act or State Act.

(7) **Cease and Desist Order.** When the Director finds that a User has violated or continues to violate this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, an order may be issued to the User responsible for the violation directing that such violations cease and desist immediately. In an emergency, the order to cease and desist may be given by telephone. In a nonemergency situation, the cease and desist order may be used to suspend or permanently revoke an industrial wastewater discharge permit or permits. A cease and desist order may require the User to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Issuance of a cease and desist order does not relieve the User of liability for any violation occurring before or after receipt of the order or as otherwise provided in this Ordinance.

(8) **Termination of Wastewater Discharge Permit.** Any User who has a permit who violates the following conditions of a wastewater discharge permit or violates this Ordinance, the Act or State Act or any applicable state or federal law or regulation is subject to permit termination:

- (a) Failure to accurately report wastewater constituents and characteristics;
- (b) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises or records for the purpose of inspection, monitoring or sampling or for any other purpose permitted under this Ordinance, the Act or State Act;
- (d) Failure to comply with an order issued under this Ordinance; or
- (e) For those reasons stated in Section 106-173 or for any other reason permitting such termination as provided in this Ordinance, the Act or State Act.

Such Users shall be notified of the proposed permit termination and shall be offered an opportunity to show cause under the provision of subsection (4) of this Section, why the proposed action should not be taken.

(9) **Administrative Assessments.** Notwithstanding any other section of this Ordinance, any User who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, shall be liable to the YCUA and/or City for any expense loss or damage occasioned by reason of such violation, including but not limited to reasonable attorney's fees and may be subject to an administrative assessment by the YCUA in an amount of \$1,000 per violation, per day. Each day on which non-compliance shall occur or is continued shall be deemed a separate and distinct violation. Such expense, loss, damage or assessments may be added to a User's sewer service charges and the YCUA and the City shall have such other collection rights and remedies as designated by law, the Act, the State Act and this Ordinance to collect these sewer service charges.

(10) **Judicial Remedies.** A person who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, is subject to the judicial remedies described below in addition to being responsible for a civil fine assessment or a misdemeanor or any administrative remedy or enforcement action provided for in this Ordinance:

- (a) Whenever a User has violated or continues to violate the provisions of this Ordinance, a permit, an order issued under this Ordinance, the Act or the State Act, the Director, through counsel, may petition the Circuit Court for issuance of a preliminary or permanent injunction or both to restrain or compel certain activities on the part of the User.
- (b) Any User who has violated or continues to violate any order or permit issued hereunder may be liable to the YCUA in such judicial proceedings for a civil fine assessment of \$1,000, plus actual damages, direct or indirect, incurred by the YCUA, per violation, per day, for as long as the violation continues. Additionally, the YCUA may recover reasonable attorney's fees; court costs and other expenses associated with any enforcement activities, including sampling, monitoring and analysis expenses.
- (c) The Director, through counsel, may petition the Circuit Court to impose, assess, and recover such assessments and sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude or duration of the violation, any economic benefit gained by the User through the violation, corrective actions by the User, the compliance



history of the User and any other relevant factor.

(11) **Liens.** Any fine or other assessment issued or imposed under this Ordinance or other costs or charges imposed under this Ordinance may be added to the User's sewer service charges and the YCUA shall have such other collection rights and remedies as designated by law and this Ordinance to collect said charges and all unpaid charges, fines, assessments, penalties and service charges shall constitute and may be recorded as a lien against the User's property if not paid within the time frame allocated by YCUA or a court for payment.

(12) **Appeals.** Any person or User subject to enforcement action under the provisions of this Ordinance, the Act or State Act, except for civil fine assessment notices, consent orders, emergency actions under this Ordinance or judicial actions by YCUA, may request a hearing before the Director within ten (10) days of receipt of notification of the proposed enforcement action. A hearing shall then be held by the Director concerning the violation, the reasons why the enforcement action has been taken, the proposed enforcement action, and the User's explanation or other relevant evidence. An appeal may be taken from the Director's final decision. The following rules shall apply to the hearing and appeal:

(a) The Director may issue notices of such a hearing requiring the attendance and testimony of witnesses or the production of evidence relative to the hearing.

(b) In the event a request for hearing is not filed within ten (10) days of the User's notice of an enforcement action, failure to file such a request shall be deemed a waiver of any and all hearing or appeal rights established under this Ordinance.

(c) A request for hearing shall state the basis for the request, the reasons in support of the request and any alternative relief, which the aggrieved party seeks.

(d) During the pendency of any hearing process or appeal the User must comply with the enforcement action or YCUA order from which the appeal is taken.

(e) At the hearing, testimony may be taken under oath and recorded stenographically. A transcript of the hearing shall be made available to any member of the public or any party to the hearing upon payment of usual and reasonable charges.

(f) After the Director has held such a hearing and reviewed the evidence, he may issue an order affirming, modifying or withdrawing the enforcement action.

(g) Within fifteen (15) days from receipt of the Director's final decision, the aggrieved party may appeal the decision to the board stating the grounds on which the appeal is based together with all documents, evidence, transcripts and information in support of the aggrieved party's position. In addition, the aggrieved party shall file five (5) copies of the appeal and supporting documentation with the board and serve an additional copy on the Director.

(h) The Director shall have thirty (30) days to respond to the appeal and to submit all evidence, documents and information in support of the Director's decision and shall file five (5) copies with the board and shall serve an additional copy on the aggrieved party.

(i) Within thirty (30) days of receiving the Director's response the board shall meet and review all documents and evidence pertaining to the appeal and shall issue an order affirming the Director's order, affirming the Director's order in part and reversing in part, or reversing the Director's order in full. The board shall forward a copy of its decision to all interested parties.

(13) **Industrial Pretreatment Program (IPP) and Enforcement Response Plan (ERP).** This Ordinance, the Act and State Act shall also be enforced by the YCUA pursuant to a written Industrial Pretreatment Program adopted by YCUA as required by the Act and State Act which plan shall include those plan elements required by the Act and State Act including, but not limited to, an Enforcement Response Plan designed to achieve enforcement of that Program. That Enforcement Response Plan shall provide for, at minimum, those powers of enforcement granted by this Ordinance, the Act and State Act.

(14) "Time Limits: YCUA's failure to strictly comply with and/or to meet an enforcement procedure time deadline or other time deadline specified in this Ordinance, the Act, State Act, or the Enforcement Response Plan, shall not prohibit or prevent YCUA from taking enforcement or other action outside of or not in compliance with such a time deadline, unless the User or permittee in question has been and is able to demonstrate that it has been materially prejudiced by action taken by YCUA outside of or not in compliance with such a time deadline."



(Code 1983, 2.221)

**Sec. 106-169. Same -- Surcharges, fees.**

The Director shall also establish appropriate surcharges or fees to reimburse the YCUA for the additional cost of operation and maintenance of the sewage works or POTW due to the violations of this Ordinance, the Act or State Act.

(Code 1983, 2.227)

**Sec. 106-170. Permit – Requirements for nondomestic Users.**

(1) All nondomestic Users must notify the Director of the nature and characteristics of their wastewater prior to commencing their discharge. The Director is authorized to prepare a form for this purpose.

(2) It shall be unlawful for Significant Industrial Users to discharge wastewater, either directly or indirectly, into the sewage works or POTW without first obtaining an Industrial User pretreatment permit from the YCUA. Any violation of the terms and conditions of an Industrial User pretreatment permit shall be deemed a violation of this Ordinance. Obtaining an Industrial User pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by federal, state or local law.

(3) The Director may require that other Industrial Users, including liquid waste haulers, obtain Industrial User pretreatment permits as necessary to carry out the purposes of this Ordinance.

(4) Any Industrial User located beyond the City limits shall submit a permit application within 60 days of the effective date of the ordinance from which this Ordinance is derived. New Industrial Users located beyond the City limits shall submit such applications to the Director 60 days prior to discharging into the sewage works or POTW. Upon review and approval of such application, the Director may enter into a contract with the User which requires the User to subject itself to, and abide by this Ordinance, including all permitting, compliance monitoring, reporting, and enforcement provisions contained in this Ordinance, the Act or State Act.

(5) Any Significant Industrial User which discharges nondomestic waste into the sewage works or POTW prior to the effective date of the ordinance from which this Ordinance is derived and who wishes to continue such discharges in the future, shall, within 90 days after such date, apply to the YCUA for an Industrial User pretreatment permit and shall not cause or allow discharges to the POTW to continue after 180 days from and after the effective date of the ordinance from which this Ordinance is derived except in accordance with a permit issued by the Director.

(6) Any Significant Industrial User proposing to begin or recommence discharging nondomestic wastes into the sewage works or POTW must obtain a pretreatment permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least 60 days prior to the anticipated start up date.

(Code 1983, § 2.241, 2.242, 2.243, 2.244 and 2.245)

**Sec. 106-171. Same – Application.**

(1) In order to be considered for a pretreatment permit, all Industrial Users required to have a permit must submit the information required by Section 106-157 on an application form approved by the Director.

(2) When required, plans must be certified for accuracy by a state - registered professional engineer.

(3) All applications must contain the following certification statement and be signed by an authorized representative of the Industrial User: "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."

(4) The Director will evaluate the data furnished by the Industrial User and may require additional information. After evaluation of the data furnished, the Director may issue an Industrial User pretreatment permit subject to terms and conditions provided herein.



(5) At the time an application for a permit is made, the User shall pay to YCUA a permit fee in an amount established from time to time by the board, which fee shall be refunded to the User in the event the permit is denied. In addition to the above-stated permit fee, the User shall pay to YCUA a nonrefundable permit application fee equal to YCUA's expenses, and YCUA expenses incurred in hiring laboratories, engineers, or other consultants, for the purpose of evaluating the permit application submitted by the User to YCUA.

(Code 1983, § 2.2251, 2.252, 2.253, 2.254 and 2.255)

**Sec. 106-172. Same -- contents.**

Pretreatment permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant and ensure compliance with this Ordinance, the Act and State Act. Permits shall contain a statement of the duration of the permit which shall not be more than 5 years; a statement of permit non transfer ability without prior notification to the YCUA and provision of a copy of the existing permit to the new owner or operator; effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law; self monitoring, sampling, reporting, notification, and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limit, and state and local law; and a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. The schedule may not extend the compliance date beyond applicable federal or state deadlines. Permits may contain, but need not be 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 the 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 sewage works or POTW.
- (4) Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or routing discharges.
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the sewage works or POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities.
- (7) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (8) Compliance schedules.
- (9) Requirements for submission of technical reports or discharge reports.
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director and affording the Director, or his representatives, access thereto.
- (11) Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced in the sewage works or POTW.
- (12) Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee.
- (13) Requirements for notification to YCUA of excessive, accidental, or slug discharges.
- (14) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance and state and federal laws, rules, and regulations, including the Act and State Act.
- (15) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal, State or local pretreatment standards or limits, including those which become effective during the term of the permit.

(Code 1983, § 2.257)



**Sec. 106-173. Same – Issuance process.**

(1) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years, at the discretion of the Director.

(2) The Director will provide all interested persons with notice of final permit terms. Upon notice by the Director, any person, including the Industrial User, may petition to appeal the terms of the permit within 30 days of the notice.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

(b) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

(c) The effectiveness of the permit shall not be stayed pending a reconsideration by the board. If, after considering the petition and any arguments put forth by the Director, the board determines that reconsideration is proper, it shall remand the permit back to the Director for reissuance. Those permit provisions being reconsidered by the Director shall be stayed pending reissuance.

(d) A board's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.

(3) The Director may modify or terminate the permit for good cause including, but not limited to, the following:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character, which were not considered in drafting the effective permit.

(c) A change in any condition in either the Industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information indicating that the permitted discharge poses a threat to the sewage works or POTW or POTW personnel or the receiving waters.

(e) Violation of any terms or conditions of the permit.

(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.

(g) Revision of or a grant of variance from such 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/operator.

(j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

(k) Falsifying self-monitoring reports.

(l) Tampering with monitoring equipment.

(m) Refusing to allow timely access to the facility premises and records.

(n) Failure to meet effluent limitations.

(o) Failure to pay fines.

(p) Failure to pay sewer charges.

(q) Failure to meet compliance schedules.

(r) As provided in Section 106-108.

(4) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(5) Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director, if:

(a) The permittee must give at least 30 days advance notice to the Director; and

(b) The notice must include a written certification by the new owner which:

(i) States that the new owner has no immediate intent to change the facility's operations and processes.

(ii) Identifies the specific date on which the transfer is to occur.

(iii) Acknowledges full responsibility for complying with the existing permit.

(6) The User shall apply for permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the User's existing permit. An expired permit will continue to be effective and enforceable until the permit is reissued, if:



- (a) The Industrial User has submitted a complete permit application at least 90 days prior to the expiration date of the User's existing 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 Industrial User.
- (7) Nothing in this Ordinance shall be construed as preventing any special agreement or arrangement between the POTW and any User whereby wastewater of unusual strength or character is accepted into the POTW and specially treated and subject to any payments or User charges, as may be applicable. However, no discharge, which violates pretreatment standards, will be allowed under the terms of such special agreements. If, in the opinion of the Director, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:
  - (a) Pass through or interference; or
  - (b) Endanger municipal employees or the public.

(Code 1983, § 2.261, 2.262, 2.263, 2.264, 2.265, 2.266 and 2.267)

**Sec. 106-174. Penalty for violation of Ordinance; liability of User.**

- (1) Any person who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, shall become liable to the City for and may be subject to a civil fine assessment of \$1000.00 per violation, per day, plus any costs, damages and expenses, direct or indirect, incurred by the City or YCUA in connection with the violation. Each day on which a violation continues shall be deemed a separate and distinct violation.
- (2) Any person who violates any provision of this Ordinance that is listed below shall be guilty of a misdemeanor, and upon conviction is subject to a fine of not more than \$500, exclusive of any civil fine assessment or other costs, damages and expenses, or by imprisonment for not more than ninety (90) days, or both. Misdemeanor violations include:
  - (a) intentional unpermitted discharge;
  - (b) falsification of a monitoring report or the making of any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance;
  - (c) improper sampling, with evidence of an intent to falsify or mislead;
  - (d) intentional failure to install monitoring equipment after a deadline established by an order issued under this ordinance or the tampering with or knowingly rendering inaccurate any monitoring device or equipment or method required under this ordinance;
  - (e) intentional recurring violation of a compliance schedule in a permit or a violation of a compliance schedule in an order issued under this ordinance; or
  - (f) illegal discharge when the discharge causes harm and there is evidence of intent.

(Code 1983, 2.218 and 2.219)

**Sec. 106-175. Funding/Fees**

- (a) The purpose of this section is to provide for the recovery of costs from Users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.
- (b) The Board shall adopt charges and fees which shall include, but not necessarily limited to:
  - (1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the YCUA's Industrial Pretreatment Programs; and Enforcement Response Plan.
  - (2) User fees based upon volume of waste and concentration or quantity of specific pollutants in a discharge, and to cover other treatment costs including sludge handling and disposal; and
  - (3) Reasonable fees for reimbursement of costs for enforcement hearings or other enforcement action including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
  - (4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein and continued in other IPP & ERP, or as may be required by law.

(Code 1983, 2.210)



**Secs. 106-176—106-190 Reserved.**

### **DIVISION 3. BUILDING SEWERS AND CONNECTIONS**

#### **Sec. 106-191. Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof or any part of the sewage works or POTW without first obtaining a written permit from the Director.

(Code 1983, § 2.170)

#### **Sec. 106-192. Classes of permits; application; fees.**

There shall be two classes of building sewer permits: (1) For residential and commercial service; and (2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City or YCUA. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the City or YCUA. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City at the time the application is filed.

(Code 1983, § 2.171)

#### **Sec. 106-193. Costs of connection to be borne by owner; indemnification of City and YCUA.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City and the YCUA from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1983, § 2.172)

#### **Sec. 106-194. Separate building sewer for each building required; exception.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Code 1983, § 2.173)

#### **Sec. 106-195. Use of old building sewers with new buildings.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City or YCUA, to meet all requirements of this Ordinance

(Code 1983, § 2.174)

#### **Sec. 106-196. Construction specifications.**

The size, slope, alignment, and materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or YCUA. In the absence of the Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

(Code 1983, § 2.175)

#### **Sec. 106-197. Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Code 1983, § 2.176)

#### **Sec. 106-198. Prohibited connections.**

- (1) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer or combined sewer.
- (2) The YCUA shall not allow any connection to the sanitary sewer unless there is sufficient



capacity in the sewage works to convey and adequately treat the additional wastewater from the proposed connection.

(Code 1983, § 2.177)

**Sec. 106-199. Connection specifications.**

- (1) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the YCUA or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight.
- (2) Any deviation from the prescribed procedures and materials must be approved by the YCUA before installation.

(Code 1983, § 2.178)

**Sec. 106-200. Inspection; supervision of connection.**

The contractor installing the building sewer shall notify the YCUA when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of YCUA.

(Code 1983, § 2.179)

**Sec. 106-201. Guards for excavations; restoration of public property.**

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

(Code 1983, § 2.180)

**Secs. 106-181--106-195. Reserved.**

**DIVISION 4. USE OF PUBLIC SEWERS**

**Sec. 106-226. Required.**

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet, any sanitary sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with provisions of this Ordinance.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- (4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer or combined sewer of the City, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within 90 days after the date of official notice to do so provided that such public sewer is within 200 feet of the property line.

(Code 1983, § 2.153, 2.154, 2.155 and 2.156)

**Sec. 106-227. Unpolluted discharges.**

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, roof water, or other unpolluted water to any sanitary sewer or sewer connection except as otherwise provided in this Ordinance. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those by the City and the YCUA.
- (2) Storm water, groundwater, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers, or to a natural outlet, except as otherwise provided in this Ordinance. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the YCUA and the appropriate state agency to a storm sewer, or natural outlet.

(Code 1983, § 2.185 and 2.186)



**Sec. 106-228. Fats, Oils, and Grease (FOG) Interceptor and Sand Interceptors.**

Fats, oils, and grease (FOG) and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing fats, oils, or grease discharges in which the concentration in a grab sample exceeds the 100 mg/l limit, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for single-family or multiple-family dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located 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, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight. When installed, all fats, oils, and grease, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. A User may petition the Director for an exemption from having to install a Fats, Oils, and Grease (FOG) Interceptor in accordance with provisions specified in the YCUA FOG Mitigation Program Policy, as amended from time to time. Upon approval by the Director, YCUA's Contract Communities that have Fats, Oils, and Grease Ordinance/Policy can implement said Ordinance/Policy in lieu of this Section and the YCUA Fats, Oils, and Grease Mitigation Program Policy.

(Code 1983, § 2.187)

**Sec. 106-229. Prohibited discharges.**

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater, which will pass through or interfere with the operation or performance of the sewage works.

A User may not contribute the following substances to the sewage works:

- (1) Any liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage works or to the operation of the sewage works.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.
- (3) Any wastewater having a pH less than 5.0 or greater than 11.0; or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- (4) Any wastewater containing toxic pollutants or of high chlorine demand 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 sewage works, or exceed the limitation set forth in the EPA categorical pretreatment standard, or any other federal, state or county standards.
- (5) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems. This prohibition includes, but is not limited to, wastewaters which contain liquids, solids, or gases that cause gases, vapors, or fumes from the discharge to exceed 10% of the immediately dangerous to life and health (IDLH) concentration. Discharges which contain more than one pollutant, which may contribute to fume toxicity, shall be subject to more restrictive limitations, as determined necessary by the Director. The more restrictive discharge limits shall be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge.
- (6) Any noxious or malodorous liquids, gases, or solids which singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (7) Any substance, which may cause the sewage, works such as residues, sludges, or scums, to be unsuitable for land application or reclamation and reuse or to interfere with the reclamation process.
- (8) Any substance, which will cause the sewage, works to violate its NPDES permit or the receiving water quality standards.
- (9) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations, or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions.



- (10) Daily maximum concentration or mass loading shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetical measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that calendar day. If grab samples are required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. If only one grab sample is collected for a parameter on a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of that single grab sample. If the pollutant concentration in any sample is less than the applicable detection limit, that value shall be regarded as zero (0) when calculating the daily maximum concentration.
- (11) Any wastewater having a temperature, which will inhibit biological activity in the sewage, works resulting in interference, but in no case wastewater with a temperature at the introduction into the sewage works, which exceeds 60 degrees Celsius (140 degrees Fahrenheit) or is lower than zero degrees Celsius (32 degrees Fahrenheit).
- (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- (13) Any wastewater, which causes a hazard to human life or creates a public nuisance.
- (14) Organic solvent extractable substances such as fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit (zero degrees Celsius) and 140 degrees Fahrenheit (60 degrees Celsius).
- (15) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases; or other pollutants which cause the wastewater to have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), or which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the collection system or containing gasoline, benzene, xylene or toluene which causes the wastewater to exceed the state surface water quality standard.
- (16) Any garbage that has not been ground by household type or other suitable garbage grinders.
- (17) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure or any other solids or viscous substances capable of causing obstructions or other interferences with the proper operation of the sewer system.
- (18) Toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, or to constitute hazards to humans or animals, or to create any hazard in waters which receive the POTW effluent, which shall include, but are not limited to wastes containing cyanide, chromium, cadmium, mercury, copper, and nickel ions.
- (19) Solids of such character and quantity that special and unusual attention is required for their handling.
- (20) Any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state.
- (21) Any medical or infectious wastes prohibited from being discharged under federal or state law and regulations.
- (22) Material considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA).
- (23) Any commercial or industrial waste that may cause pass through of pollutants or interference with the wastewater treatment plant operations or that violates federal, state, or local restrictions.
- (24) Any pollutant, including oxygen-demanding pollutants (BOD etc.) released at a flow rate and/or pollutant concentration, which will cause interference with the POTW.
- (25) Trucked and hauled waste, except at discharge points designated by the POTW.
- (26) Pollutants causing toxic gases, vapors, and fumes.



- (27) Any leachate from a hazardous waste landfill.  
 (28) Any landfill leachate unless permitted and authorized under a written contract, within YCUA's sole discretion, between YCUA and the User.  
 (29) Any pollutant discharge, which constitutes a slug.

(Code 1983, § 2.188)

**Sec. 106-230. Promulgation of more stringent standards.**

Upon the promulgation of the national categorical pretreatment standards, alternative discharge limits, or other federal or state limitations, for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The YCUA Shall notify all affected Users of the applicable reporting requirements.

(Code 1983, § 2.189)

**Sec. 106-231. Prohibited concentrations of certain pollutants and mercury reduction plan.**

(1) No person shall discharge wastewater such that the concentration of pollutants in one grab sample exceeds the following limits for oil and grease or pH:

100 mg/l oil and grease	
< 5 or > 11 standard units pH	
1.0 mg/l	Total Cyanides
1.0 mg/l	Total Phenolic Compounds

(2) No person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample is at or above the following surcharge threshold, except as otherwise permitted in writing by the Director and on payment of a surcharge fee, and no person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample exceeds the following upper limits, with respect to the following compatible pollutants:

**COMPATIBLES**

<u>Surcharge Threshold</u>	<u>Upper Limits</u>	
300 mg/l	1000 mg/l	5-day BOD (Biochemical Oxygen Demand)
350 mg/l	2500 mg/l	Total SS (Suspended Solids)
600 mg/l	2000 mg/l	COD (Chemical Oxygen Demand)
15 mg/l	75 mg/l	Total Phosphorus
30 mg/l	700 mg/l	Ammonia-Nitrogen

(3) No person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample shall exceed the following limits with respect to the following inorganic or organic pollutants or phenolic compounds:

**INORGANICS**

1.0 mg/l	Arsenic
0.002 mg/l	Beryllium
0.50 mg/l	Cadmium
4.0 mg/l	Chromium (Total)
3.0 mg/l	Copper
0.3 mg/l	Lead
Nondetectable	Mercury
3.0 mg/l	Nickel
0.15 mg/l	Silver
3.0 mg/l	Zinc



## ORGANICS

Nondetectable

Polychlorinated biphenyls (Nondetectable per U.S. EPA method 608. Any detectable sample exceeds this limit.)

The local discharge limitation for Polychlorinated Biphenyls is established at the level of detection in accordance with the following:

There shall be no detectable amounts of Polychlorinated Biphenyls discharged to a City or YCUA sanitary sewer. Polychlorinated Biphenyls sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 608. The level of detection, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/L for Polychlorinated Biphenyls, unless higher levels are appropriate due to matrix interference.

(4) The total phenols limit is based on the discharge of any or all of the following phenolic compounds: 2-Chlorophenol, 4-Chlorophenol, 2,4-Dichlorophenol, and 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2-Methylphenol, 3-Methylphenol, 4-Methylphenol, 2-Nitrophenol, 4-Nitrophenol, and Phenol. Discharge of other phenolic compounds is prohibited except as specifically authorized by the Director.

(5) The Director shall annually review the quantities of industrial pollutants listed above which are discharged or proposed to be discharged to the sewage works. The Director shall recommend any revisions to these limits necessary to insure that the NPDES Permit, Federal Pretreatment Standards and Water Resources limits are met and to insure that the industrial discharge will not interfere with the treatment process of sludge disposal. At such time as the previously cited limits are changed by the City or YCUA, the unit authorizing such change shall notify the remaining units of such change.

(6) The local discharge limitation for mercury is established at the level of detection in accordance with the following:

There shall be no detectable amounts of mercury discharged to a City or YCUA sanitary sewer. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The level of detection, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/L for Mercury, unless higher levels are appropriate due to matrix interference.

(b) The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

(i) A demonstration that the laboratory conducting the analysis is capable of achieving the level of detection of 0.2 ug/L in reagent water;

(ii) A demonstration that the level of detection of 0.2 ug/L cannot be achieved in the effluent;

and (iii) A demonstration that an attempt has been made to resolve the matrix interference(s).

(c) In cases where true matrix interference(s) can be demonstrated, a discharge-specific level of detection will be developed in accordance with the procedure in 40 CFR 136. Discharge specific levels of detection will be incorporated into the wastewater discharge permit of the non-domestic User.

(d) To ensure that the maximum allowable mercury loading to the POTW is not exceeded, YCUA may require any non-domestic User with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). The MRP may be required by permit if the non-domestic User has not violated the local limit for mercury, but YCUA has determined that a reasonable potential for such violation may exist. MRP's may be required in notices of violations, orders or other enforcement actions when the non-domestic User has violated the mercury local limit.

At a minimum, an approvable MRP shall contain the following:

(i) A written commitment by the non-domestic User to reduce all non-domestic discharges of mercury to levels below the level of detection within 3 years of the MRP's original approval date; (ii) Within 60 days of notification by YCUA that a MRP is required, the non-domestic User shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;

(iii) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified level of detection



within 3 years;

(iv) A program for quarterly sampling and analysis of the non-domestic discharge for mercury in accordance with EPA method 245.1;

(v) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified level of detection. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g., mercury discharges are already near level of detection), the demonstration should incorporate the following:

a. Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds).

b. Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by EPA Federal Register. The results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location.

c. Loading calculations wherein the non-domestic User calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.

(vi) A semi-annual report on the status of the mercury reduction efforts. At a minimum, these reports shall: identify compliance or noncompliance with specific reduction commitments in the MRP; summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date; provide all applicable analytical data; provide an evaluation of effectiveness of actions taken to date; provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer and propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts; and (vii) Any other conditions that YCUA deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

(e) Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this Section, and will result in publication as a significant violator.

(f) A MRP may be evaluated for adequacy at any time by YCUA. If such an evaluation determines that the Mercury Reduction Plan is inadequate or the non-domestic User has not complied with its approved MRP, the non-domestic User will be notified. Failure to comply with the MRP requirement constitutes non-compliance. YCUA will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

(g) A non-domestic User may request a release from MRP requirements if all samples of the discharge for a period of one year are less than the specified level of detection; the non-domestic User has complied with the minimum monitoring frequency of quarterly sampling events; and YCUA deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. YCUA shall notify the non-domestic User of any release from MRP requirements in writing.

(h) If the MRP requirement is waived by YCUA, the non-domestic User remains subject to the local limitation for mercury in accordance with the requirements of this Ordinance.

(i) Re-discovery of mercury in the non-domestic User discharge subjects said User to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

(7) Implementation of Best Management Practices or Best Management Practices Plan

a. The Director may require any User to develop and implement Best Management Practices (BMP) 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 Director.

b. In addition, the Director 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 Director. The BMPP shall be submitted within 30 days after notification by the Director 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 Director, at a level of detail and in units and terms as determined necessary by the Director to adequately



evaluate the plan:

- I. A statement of the purpose and objectives of the plan.
- II. 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.
- III. A description of the options available to the User to control accidental spillage, leaks and drainage.
- IV. A description of best available or practicable control technologies available for the User's specific circumstances.
- V. A detailed facility layout and site diagram showing points of entry into the (POTWs).
- VI. A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics.
- VII. A description of operating and maintenance processes and procedures.
- VIII. An inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility.
- IX. A description of employee training programs, policies and procedures; continuing education programs; and participation.
- X. A description of the User's documentation, including record keeping and forms.
- XI. A description of monitoring activities.
- XII. An information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.
- XIII. A 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.
- XIV. Such other information, documents or diagrams as required by the Director, including, but not limited to, any of the information required under this Ordinance, the Act, or State Law.

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 shall 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 Director may require revisions to a User's BMPP if the Director determines that the Plan contains elements that are inadequate, or as otherwise determined necessary by the Director to ensure compliance with applicable requirements of this Ordinance, the Act or State Law. Review of a BMPP by the Director shall not relieve the User from the responsibility to modify its facility as necessary to comply with this Ordinance, the Act or State Law.

e. The User reports to the Director must include Best Management Practices compliance information. The User reports must be certified and signed by the User's authorized representative.

f. The User shall retain all documentation associated with Best Management Practices for a period of at least three years from the date of an activity associated with the practices. This period may be extended by the Ypsilanti Community Utilities Authority at any time.

(Code 1983, § 2.190)

**Sec. 106-232. Sampling, measurements, tests and analyses.**

Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (March 26, 2007). Where 40 CFR part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by YCUA or other parties, approved by the EPA.

(Code 1983, § 2.191)

**Sec. 106-233. Surcharge for discharges of unusual strength.**

(1) If the character of the wastewater from any manufacturing or industrial plant or any other building or premises exceeds the limits for compatible pollutants established in Section 106-201 or shall be such as to impose any unreasonable burden upon the sewers of the system or



upon the sewage works or POTW in excess of a maximum limit prescribed in this Ordinance, then an additional charge shall be made over and above the regular rates, or the Director shall require that such sewage be treated by the person, firm or corporation responsible for the sewage being emptied into the sewer or the right to empty such sewage shall be denied, if necessary, to protect the system or any part thereof.

Surcharges required shall be computed as the weight of excess compatible pollutant in pounds multiplied by the cost per pound specified in the applicable City rate ordinance. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by the User, at an independent laboratory, or at the YCUA wastewater treatment plant.

(2) Any wastewater discharged into the sewage works having a compatible pollutant in excess of those prescribed in section 106-201 may be permitted by the Director provided payment by the industrial concern for the full cost of treating such excess constituents in the wastewater is made and acceptance of the waste does not cause violation of EPA guidelines, NPDES requirements, the Act or State Act.

(Code 1983, § 2.192)

**Sec. 106-234 Special agreements authorized.**

With respect to compatible pollutants only, no statement contained in this Ordinance shall be construed as preventing any agreement between the Director and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefore by the industrial concern, provided such agreement shall not violate EPA guidelines or NPDES requirements and provided User charges and surcharges as provided in this Ordinance are agreed to in the agreement.

(Code 1983, § 2.193)

**Sec. 106-235. Dilution of discharge.**

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, alternative discharge limits, or in any other pollutant-specific limitation developed by the YCUA or the State.

(Code 1983, § 2.194)

**Sec. 106-236. Accidental discharges.**

(1) Where required, a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance, the Act or State Act. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. All required Users shall complete such a program within 90 days of notification by the Director. If required by the Director a User who commences contribution to the sewage works after the effective date of the ordinance from which this Ordinance derives shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance, the Act or State Act. In the case of any discharge, whether accidental or not, that could cause problems to the YCUA, the WWTP or POTW, including any slug loadings by the User, it is the responsibility of the User to immediately telephone and notify the YCUA of the incident.

The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Within five days following any discharge, whether accidental or not, that could cause problems to the YCUA, the WWTP or POTW, including any slug loadings by the User, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability



which may be incurred as a result of damage to the sewage works or POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance, the Act or State Act, or other applicable law. Failure to file a report shall be a separate violation of this Ordinance.

(3) Slug Control Plan

- (a) Each Significant Industrial User shall prepare and implement an individualized slug control plan when in the opinion of the Director a slug control is required. Existing Significant Industrial Users that do not have a YCUA approved slug control plan shall provide an approvable slug control plan to the Director within ninety (90) days of being notified by YCUA that a slug control plan is required. New sources that are Significant Industrial Users shall submit a slug control plan to the Director for approval before beginning to discharge. Upon written notice from the Director, Users that are not Significant Industrial Users may also be required to prepare and implement a slug control plan, and the plan shall be submitted to the Director for approval as specified in the notice. Slug control requirements must be included in the SIU Control Mechanism (Industrial User's Permit).
- (b) All slug control plans shall contain at least the following elements:
  - I. A description of discharge practices, including non-routine batch discharges;
  - II. A description of stored chemicals;
  - III. The procedures for immediately notifying the Director of slug discharges, including any discharge that would violate any discharge prohibition, limitation or requirement under this Ordinance, and procedures for follow-up written notification within five (5) days of the discharge;
  - IV. 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.
- (c) If a User has submitted to the Director plans or documents pursuant to other requirements of local, state or federal laws and regulations which meet all applicable requirements of the Ordinance, the Director may in its discretion determine that the User has satisfied the slug plan submission requirements of this section.
- (d) Significant Industrial Users must immediately notify the Director of any changes at their facilities affecting their slug control plan or spill/slug potential.

(4) Secondary Containment Requirements

- (a) Each User when in the opinion of the Director is required 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 ordinance, the Act or State Law.
  - I. 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.
  - II. The containment or curbing shall be sufficient to hold not less than ten (10) percent of the total volume of the tanks or containers within the secondary containment structure or provide a capacity of one hundred (100) percent of the largest single tank or container within the secondary containment structure, whichever is larger, unless a lesser containment area or alternate control measures are approved in advance by the Director.
  - III. The containment structure must accommodate "squirt distance". Containers within the containment structure must be able to be placed sufficiently back from the edge of the structure so if punctured, the resulting leak will be contained.
  - IV. The containment structure must be designed or operated to prevent run-on or infiltration, rain or other liquids into the secondary containment system unless the containment system has sufficient excess capacity to contain run-on, infiltration, rain, or other liquids. Excess capacity when such prevention is not provided in the system must be sufficient to contain rain precipitation from a 25-year, 24-hour rainfall event.



- V. The containment structure shall be constructed with chemical-resistant water stops in place at all joints (if any) to be free of cracks or gaps.
  - VI. The containment structure shall be designed and installed to completely surround the tank or containers and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) or containers (i.e., capable of preventing lateral as well as vertical migration of the material).
  - VII. All floor drains found within the containment area must be plugged and sealed.
- (b) Spill troughs and sumps within process areas must discharge to appropriate pretreatment tanks.
  - (c) Emergency containment shall also be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.
  - (d) Solid pollutants shall be located in security areas designed to prevent the loss of the materials to the POTW .
  - (e) Detailed plans showing facilities and operating procedures to provide the protection required by this Ordinance shall be submitted to the Director for review, and shall be approved by the Director before construction. Construction of approved containment for existing sources shall be completed within the time period specified by the Director.
  - (f) No new source shall be permitted to discharge to the POTW until emergency containment facilities have been approved and constructed as required by this Ordinance.
  - (g) The Director may order a User to take interim measures for emergency containment as determined necessary by the Director under the circumstances.

(Code 1983, § 2.195)

**Sec. 106-237. Determination of sewage flow.**

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

- (1) The amount of water supplied to the premises by the public water system as shown upon the water meter if the premises are metered.
- (2) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources may be metered at the source or metered at its point of discharge prior to entry into the public sewer.
- (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the utilities authority from the water, gas or electric supply, or metered at its point of discharge prior to entry into the public sewer.
- (4) The volume of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the YCUA pursuant to this Ordinance.
- (5) A figure determined by the YCUA by any combination of the foregoing or by any other equitable method.

(Code 1983 § 2.196)

**Sec. 106-238. Disposal at sewage treatment plant.**

Waste from industrial sewage disposal systems shall be disposed of at the sewage treatment plant or at any other refuse or disposal site approved by the Director. No waters or wastes described in section 106-199 shall be disposed of at the sewage treatment plant.

(Code 1983, § 2.211)

**Sec. 106-239. Bypass.**

- (1) An Industrial User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. If an Industrial User knows in advance of the need for bypass, it shall submit prior notice to the Director, if possible at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Director within 24 hours from the time the Industrial User



becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial 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.

(2) Bypass is prohibited, and the Director may take enforcement action against an Industrial User for bypass, unless:

(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 wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(c) The Industrial User submitted notice as required under this section. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in this subsection (b).

(Code 1983, § 2.197)

**Sec. 106-240. Report of violation.**

If the results of any sampling performed by the User indicates that any violation of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act has occurred, the User shall notify the YCUA within 24 hours of becoming aware of the violation and shall repeat the sampling and pollutant analysis and shall submit, in writing, the results of this repeat analysis within 30 days after becoming aware of the violation. A written follow up report shall be filed by the User with the YCUA within thirty (30) days of a User becoming aware of the violation. The report shall specify the following:

(1) A description of the violation, the cause thereof, and the violation's impact on the User's compliance status.

(2) Duration of the violation, including exact dates and times of the violation, and if not corrected, the anticipated time the violation is expected to continue.

(3) All steps taken or intended to be taken to reduce, eliminate and prevent reoccurrence of such a violation.

(Code 1983, § 2.198)

**Sec. 106-241. Notification of authorities upon discharge of hazardous waste.**

All Industrial Users shall notify the YCUA, the EPA regional waste management division Director and the DNRE in writing of any discharge to the YCUA of a substance that would be a regulated hazardous waste under any federal statute if disposed of otherwise. Such notice shall be given in accordance with CFR 403.12(p).

(Code 1983, § 2.199)

**DIVISION 5. PRIVATE SEWAGE DISPOSAL**

**Sec. 106-266. Authorized under certain conditions.**

Where a public sanitary or combined sewer is not available under the provisions of section 106-196, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Ordinance.

(Code 1983, § 2.161)

**Sec. 106-267. Permit required; application; fees.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the plumbing inspector. The application for such a permit shall be made on a form furnished by the City or YCUA and shall include specifications and other information deemed necessary by the City and YCUA. A permit and inspection fee shall be paid to the City treasurer at the time the application is filed.

(Code 1983, § 2.162)



**Sec. 106-268. Inspection by City and YCUA**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City and YCUA. The City and YCUA shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City and YCUA when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the City or YCUA.

(Code 1983, § 2.163)

**Sec. 106-269. Specifications.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the county health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(Code 1983, § 2.164)

**Sec. 106-270. Connection with public sewer.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 106-219, a direct connection shall be made to the public sewer in compliance with this Ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Code 1983, § 2.165)

**Sec. 106-271. Sanitary maintenance required.**

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

(Code 1983, § 2.166)

**Sec. 106-272. Other requirements.**

No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the state or county health department or DNRE.

(Code 1983, § 2.167)

**Secs. 106-273. -----106-450. Reserved.**

I, Frances M. McMullan, Clerk of the City of Ypsilanti, County of Washtenaw, State of Michigan, hereby certify adoption of Ordinance No. 1129 by the City of Ypsilanti Council assembled at a regular meeting held August 17, 2010 after first being introduced at a regular meeting held July 20, 2010. The motion to approve was made by Council Member Robb and seconded by Council Member Bodary. The vote on the motion was as follows:

YES: 7, NO: 0 ABSENT: 0 ABSTAIN: 0



Frances M. McMullan, Clerk  
City of Ypsilanti

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