Draft Date 11/8/01

ORDINANCE NO. 117

LAKETOWN TOWNSHIP

SEWER USAGE AND ADMINISTRATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND ORDINANCE NO. 19 AND ORDINANCE NO. 87 AND TO REGULATE AND CONTROL THE USE OF PUBLIC AND PRIVATE SEWERS, SEWER SYSTEMS AND DRAINS; TO REGULATE AND CONTROL THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; TO REGULATE AND CONTROL THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; TO PROVIDE FOR THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF LAKETOWN TOWNSHIP; AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

Section 1. General discharge prohibitions. Section 6.3(a) and (b) of Ordinance no. 19 as amended by Ordinance no. 87 shall be restated in its entirety as follows:

Section 6.3 General discharge prohibitions.

(A) Generally

(1) It shall be unlawful to discharge any wastewater to the POTW except in accordance with the provisions of this Ordinance.

(2) No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater which will pass-through or cause interference with the operation or performance of the POTW.

(3) No person shall discharge or cause to be discharged to any public sewer any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process water. No footing drain, roof downspout, areaway drain or other source of surface water or ground water shall be connected to a public sewer. All footing drain water shall be discharged to storm sewers or dry wells. Storm water and all other unpolluted drainage shall be discharged to sewers

specifically designated as storm sewers, or to a natural outlet approved by the DEQ. The discharge of cooling water or unpolluted industrial process water shall only be permitted when authorized and approved by the DEQ.

(B) Prohibited. No user shall contribute the following substances to the POTW:

(1) Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, or any material which can be disposed of as trash.

(3) Any wastewater having a pH less than six (6.0) or greater than eleven (11.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

(4) Any substance which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty (40) degrees Centigrade (one hundred and four [104] degrees Fahrenheit).

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points and as otherwise designated by the Control Authority.

(9) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and or concentration (including any slug discharge), which may cause interference to the POTW.

(10) Any of the following toxic pollutants (a) those pollutants listed on the current critical materials register prepared pursuant to Section 66 of the Water

Resources Commission Act (MCLA Section 323.1 et seq) by the Michigan Water Resources Commission or its successors, and (b) those pollutants identified by the BPW as a "toxic pollutant" by amendment to this Ordinance.

If a pollutant is specifically allowed by the BPW, Section 6.3(b)(14) or categorical pretreatment standards, then the above paragraph does not apply.

(11) Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Federal Water Pollution Act of 1972, as amended.

(12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State or Federal regulations.

(13) Any discoloration other than the color of normal strength domestic waste including, but not limited to dyes, inks and vegetable tanning solutions which singularly or in conjunction with other waste constituents is deleterious to treatment and/or sludge disposal practices or a hazard to the POTW and its employees.

(14) Any wastewater having effluent characteristics in excess of:

TABLE 1

PROHIBITED POLLUTANTS

	Daily Maximum Allowable Concentration mg/l	Average Allowable Concentration (30-day) mg/l
Organics		
1,1,1-Trichloroethane	20	10
1,4-Dichlorobenzene	1.3	0.69
Benzene	0.35	0.35
Chloroform	1.1	1.1
Ethylbenzene	4.8	2.4
Lindane	0.012	0.005

Methylene Chloride	2.4	1.22
Phenol, Total	90	43
Tetrachloroethylene	3.4	1.7
Toluene	15	7.5
Total Xylenes	6.2	3.1
Trichloroethylene	7.8	2.7
Metals		
Arsenic	0.16	0.041
Cadmium	0.16	0.071
Chromium	9.0	2.4
Copper	1.7	0.87
Cyanide, Amenable	0.37	0.18
Lead	0.42	0.21
Nickel	4.4	1.1
Mercury	See Section 6.3(b)(15)	See Section 6.3(b)(15)
Selenium	.68	0.17
Silver	.92	0.23
Zinc	3.44	3.44
Compatibles		
Chlorides	1500	1000
Grease & Oil (Non-Polar Fraction)	150	100

(15) There shall be no detectable amounts of mercury discharged into the POTW.

(a) The local discharge limitation for mercury is established at the method detection limit (MDL) in accordance with the following:

Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The MDL, 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.

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 MDL of 0.2 ug/L in reagent water;

(ii) A demonstration that the MDL 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).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific MDL will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific MDLs will be incorporated into the wastewater discharge permit of the nondomestic user.

(b) Mercury Reduction Plans. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the Control Authority may require any nondomestic 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 nondomestic user has not violated the local limit for mercury, but the Control Authority has determined that a reasonable potential for such a violation may exist. MRPs may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

(i) A written commitment by the nondomestic user to reduce all nondomestic discharges of mercury to levels below the MDL within 3 years of the MRP's original approval date;

(ii) Within 60 days of notification by the Control Authority that a MRP is required, The nondomestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the POTW;

(iii) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified MDL within 3 years of the MRP's original approval date;

(iv) A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with 245.1 methods;

(v) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified MDL. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g. mercury discharges are already near MDL), 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 USEPA Federal Register. Note that 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 nondomestic 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 semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall:

a) identify compliance or noncompliance with specific reduction commitments in the MRP;

b) summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date;

c) provide all applicable analytical data;

d) provide an evaluation of the effectiveness of actions taken to date;

e) provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer; and

f) propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.

(vii) Any other conditions that the Control Authority deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

Failure to submit an approvable MRP within thirty (30) days of the required due date shall constitute significant noncompliance in accordance with this Section, and will result in publication as a significant violator, in addition to other possible enforcement action. A MRP may be evaluated for adequacy at any time by the Control Authority. If such an evaluation determines that the MRP is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified. Failure to comply with the MRP requirement constitutes noncompliance. The Control Authority will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

A nondomestic user may request a release from MRP requirements if (i) all samples of the discharge for a period of one year are less than the specified MDL; (ii) the nondomestic user has complied with

minimum the monitoring frequency of quarterly sampling events; and (iii) the Control Authority deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. The Control Authority shall notify the nondomestic user of any release from MRP requirements in writing.

If the MRP requirement is waived by the Control Authority, the nondomestic user remains subject to the local limitation for mercury in accordance with the requirements of this Section.

Re-discovery of mercury in the nondomestic user discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

(16) Any wastewater containing more of the substances referenced in Table 2, unless permitted by Special Discharge Allocation under Section 6.4.

In addition to the limits in Table 2, any discharge that, in the judgment of the Control Authority, would contribute a significant amount of these substances, regardless of mg/l concentration, shall be prohibited except by Special Discharge Allocation.

TABLE 2

COMPATIBLE POLLUTANTS

	Daily Maximum mg/l		Daily Maximum pounds per day
Biochemical Oxygen Demand (BOD)	1000*	and	40*
Chemical Oxygen Demand (COD)	see note 1	and	see note 1
Total Suspended Solids (TSS)	1400*	and	100*
Total Phosphorus (TP)	40*	and	1*
Grease & Oil (Polar Fraction)	150*	and	5*

* or as approved by the Michigan DEQ in accordance with the control authority's approved procedures, with any change in such approved amounts being effective upon publication by the control authority in a daily newspaper of general circulation in the Holland area.

1. COD daily maximum mg/l and pounds will be calculated using the influent COD/BOD ratio times the BOD daily maximum mg/l and pounds.

Section 2. Special discharge allocation. Section 6.4 of Ordinance no. 19 as amended by Ordinance no. 87 shall be restated in its entirety as follows:

Section 6.4 Special discharge allocation.

A non-domestic user (user) may, at the time of application for a wastewater discharge permit, or by Special Discharge Allocation permit application, but no more than once per year, request that the uniform concentration limits for BOD or COD, TSS, Phosphorus and Grease & Oil (Polar Fraction) be increased for that permit. Such Special Discharge Allocation is expressed as a total daily pound limitation. The Control Authority reserves the right to amend the Maximum Allowable Headworks Loadings (MAHLs) set forth in Table 3 at its discretion. The Control Authority shall publish public notice of any such change in a daily newspaper of general circulation in the Holland area. The Control Authority reserves the right to issue either COD or BOD limits at its discretion. During January of each year, the Control Authority shall determine the COD/BOD ratio to be used for the determination of the COD MAHL. A public notice of this ratio will be published in a daily newspaper of general circulation in the Holland Area. At no time will the Control Authority use a COD/BOD ratio that is greater than that which has been most recently published. The Control Authority reserves the right to adjust the COD/BOD ratio DOWNWARD for any user if it is known or believed that the actual, site specific COD/BOD ratio is less than the overall plant COD/BOD ratio. The user will have the right to conduct a short-term demonstration (5-10+ data points) to prove to the Control Authority that a higher COD/BOD ratio (not to exceed the most recently published ratio) is appropriate. Approval of a Special Discharge Allocation shall be subject to the following provisions:

(A) The user requests a Special Discharge Allocation through the permit application process, and this request must include a written acknowledgment whereby the user consents to comply with all terms and conditions which may be imposed by the Control Authority.

(B) The Control Authority makes a determination that adequate treatment capacity allowing for the Special Discharge Allocation exists within the MAHL which is set forth in Table 3.

(C) The proposed permit containing the increased limitation has been reviewed and approved by the Control Authority.

(D) The proposed permit containing the increased limitation has been published for public notice by the Control Authority in accordance with approved pretreatment program procedures.

(E) The Control Authority determines that all comments received during the public comment period have been adequately addressed.

(F) The Control Authority's approval is within parameters established by the Administrative Committee (as may be amended from time to time). Requests for allocations above these established parameters are brought before the Administrative Committee for approval.

(G) The user shall pay the physical plant capacity portion of the surcharge rate for its entire allocation. User shall pay the operation and maintenance portion of the surcharge rate for actual discharge based on monitoring results. The user shall pay the full surcharge rate (the physical plant capacity component and the operation and maintenance component) for any pounds in excess of the permitted allocation and shall be subject to enforcement remedies for non-compliance, with the limits in its Special Discharge Allocation permit.

(H) The Special Discharge Allocation is within the MAHL as found in Table 3 and would not result in the POTW (including the collections system) receiving pollutants in excess of its ability to convey or treat. Notwithstanding the foregoing, payment of the plant capacity portion of the surcharge rate shall not confer any right to any particular amount of capacity in future periods. In addition, the Control Authority reserves the right to institute a review of any previously permitted Special Discharge Allocation at any time, pursuant to which the Control Authority in its discretion, upon notice and the opportunity for hearing, may reduce or eliminate a user's previously permitted or approved Special Discharge Allocation (including in particular, but not limited to, any allocation amount for which a user has previously paid the physical plant capacity component of the surcharge but not the operation and maintenance component of the surcharge).

(I) Any discharge in excess of the amount permitted under the Special Discharge Allocation is prohibited and is therefore a violation of Section 6.3 and the user's wastewater discharge permit.

TABLE 3

MAXIMUM ALLOWABLE HEADWORKS LOADING (MAHL)

	pounds per day
Biochemical Oxygen Demand (BOD)	43,080*
Chemical Oxygen Demand (COD)	see note 1

Total Suspended Solids	50,000*
Total Phosphorus	725*
Grease & Oil (Polar Fraction)	5,451*

* or the maximum pounds approved by the Michigan DEQ in accordance with the control authority's approved procedures, with any change in such approved amounts being effective upon publication by the control authority in a daily newspaper of general circulation in the Holland area.

1. The MAHL for COD will be calculated using the influent COD/BOD ratio times the BOD pounds per day.

Section 3. Surcharges. Section 6.5 of Ordinance no. 19 as amended by Ordinance no. 87 shall be restated in its entirety as follows:

Section 6.5 Surcharges.

All nondomestic users of the POTW shall pay a surcharge for the discharge of sewage or waste containing more of the pollutant as referenced in Table 4, with the exception that a surcharge can be made for either BOD_5 or COD, whichever is the greater dollar cost, but not for both.

TABLE 4

Pollutant	**Surcharge Above**
BOD_5	250 mg/l
COD	500 mg/l
Total Suspended Solids	250 mg/l
Phosphorus	5 mg/l
Grease & Oil (Polar Fraction)	50 mg/l*

*	Surcharges for grease and oil (polar fraction) will be applied only if a user has received a Special Discharge Allocation for grease and oil (polar fraction). Any users discharging above 50 mg/l may be required to submit grease trap maintenance records.

Surcharge rates shall be established periodically by the Control Authority. To determine the amount of the surcharge for any particular user, the Control Authority shall collect samples at a predetermined frequency and apply the surcharge rate to the analytical results of such samples. In the alternative, with the prior approval of the Control Authority, the user may utilize an independent company to take such samples, at the user's expense, under conditions and standards determined to be acceptable by the Control Authority. The surcharge shall be calculated and billed at a frequency determined by the Control Authority. Any surcharge billing not paid when due shall be a violation of this Section.

Section 4. Effective Date. This Ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan on November 14, 2001. This Ordinance shall be effective 30 days following its publication in a newspaper of general circulation in the Township.

_____

Dan Koeman
Township Supervisor

_____

Robert Lamar
Township Clerk

RB010687

CERTIFICATE

I, ROBERT LAMAR, the Clerk for the Township of Laketown, Allegan County, Michigan, certify that the foregoing Laketown Township Sewer Usage and Administration Amendment Ordinance was adopted at a regular meeting of the Township Board held on November 14, 2001. The following members of the Township Board were present at that meeting: Dan Koeman, Robert Lamar, R.C. Reed, Gary Dewey, Lloyd Lubbers. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board Koeman, Reed and Dewey, voting in favor and members of the Board Lubbers and Lamar, voting in opposition. Notice of Adoption and with a complete copy of the Amendment Ordinance was published in *The Holland Sentinel* on _____, 2001.

_____
Robert Lamar, Clerk
Laketown Township

RB010687