

The logo for Oscoda Township is a dark blue shield-shaped emblem with a gold border. Inside the shield, the words "OSCODA TOWNSHIP" are written in a white, serif, all-caps font. Below this, the word "Naturally..." is written in a white, cursive script. To the right of the text is a gold silhouette of a wooden paddle.

OSCODA TOWNSHIP

Naturally...

Charter Township of Oscoda

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CHARTER TOWNSHIP OF OSCODA

IOSCO COUNTY, MICHIGAN

ORDINANCE NUMBER 2019-65

UTILITIES ORDINANCE

October 28, 2019

UTILITIES*

- **State Law References:** Ownership and operation of water supply and sewage collection, disposal, and treatment by municipalities, Mich. Const. 1963, art.7, Section 24; local authority to provide and regulate water and sewer service, MCL 324.430` et seq.; water and sewer authorities, MCL 124.281 et seq.

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ARTICLE I. IN GENERAL

Secs. 1 – 1-18. Reserved.

ARTICLE II. WATER SUPPLY

DIVISION 1. GENERALLY

Sec. 2 – 19. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Corporation stop means the valve placed at the junction of the water main and the service type.

Curb stop means the valve placed approximately on the property line for shutting off the supply of water in the service pipe.

Customer's or consumers' portion means that part of the service lying between the curb stop and the customer's structure/building (meter pit, meter, service).

Department means the department of public works.

Established roadway grade means the grade of the roadway for future improvement as determined by the Iosco County Road Commission and Michigan Department of Transportation (MDOT) in conjunction with the Township.

Meter means the device used for measuring the amount of water passing through the service.

Meter pit means a manufactured vault constructed to contain the meter and to protect it from damage and/or tampering.

Owner means any person owning any premises supplied or to be supplied with water from the public water system.

Plumbing shall be defined as set forth in the rules and regulations of the state and local board of health.

Premises means any single or multiple dwelling, office, store, building, etc. together with the land connected with it, and all outbuildings.

Privately Owned Water System (including services) means any/all piping, pumps, meter pits, meters, etc. required to be operational to provide water service from the public domestic water system (curb stop box) to any/all parcels and structures. No privately-owned water system shall cross other private parcels to connect to the public water system without a recorded easement between all parties that provides for construction/replacement/repairs/maintenance of such system.

Public Domestic Water System means the portion of the Township water distribution system located within the public right-of-way of roadways, streets, and alleys and any such easements that are publicly recorded for access by the public and/or utilities (water, sewer, Storm sewer, etc.). The water distribution system located within these boundaries is owned/operated/and maintained by the Township and includes up thru the curb stop box.

Ready-to-serve is the ability for the Township to provide water service to an individual property/premises from the Township owned/operated water distribution system through the installation of a curb stop box. Ready-to-serve water usage charges will begin to be billed to property owner once the curb stop box is installed.

Roadway portion means that part of the service lying between the public water main and the curb stop located approximately on the property line.

Service means the part of the water system from the curb stop and the structure/building which determines the amount of water used by the consumer.

Service box means the cast iron extension shall be placed above the curb stop.

Service pipe means the pipe which connects the curb stop to meter pit and meter pit to structure/building.

Shut off means the same as the curb stop.

Township means Charter Township of Oscoda.

Water main means all pipes, except service pipes, used for the conveyance or distribution of water.

Sec. 2 – 20. Administration.

Except as otherwise provided herein, the “Township (Superintendent and/or Supervisor)” shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the “Township” may be delegated by the “Township” to other Charter Township of Oscoda personnel or contracted representatives.

Secs. 2 – 21-39. Reserved.

DIVISION 2. SALE AND DISTRIBUTION

Sec. 2 – 40. General.

Every consumer of water, every owner, occupant, or person in possession, charge, or control of any building, structure, or premises having service from or through the Township shall be governed by and be subject to the provisions of this ordinance and also such other rules and regulations governing or concerning the use of water as may from time to time be adopted and approved by the Township.

Sec. 2 – 41. Requirements to hook up.

1. The owner or occupant of any residence, building or properties used for human occupancy, employment, recreation, or other purposes, and abutting on any road, street, alley, or right-of way in which there a public domestic water supply located, is hereby required at their expense to connect to such facilities directly if current domestic well system fails. No permit will be issued by Iosco County Health Department for new domestic well in these locations.
2. The owner/developer of a residential/commercial subdivision may, as part of the site plan approval process through the Planning Commission, request construction of an on-site water distribution system.
3. Upon approval by the Township of the developments on-site water distribution system, all Township, Iosco County, and State of Michigan practices/policies/standards/permits/approvals must be met prior to a construction permit being issued and eventually the system ownership turned over to the Township.
4. Domestic water provided to the development, prior to the ownership of the development's system being turned over to the Township, the Township shall install a master meter and meter at the property line at the expense of the development and begin billing the development according to the rates established annually by the Township Board.

Sec. 2 – 42. Application for service.

When the installation of water service is desired from the Township for any building, structure, or premises and before any service pipe is laid or any connection made with any water main of the Township, an application in writing shall first be made to the Township. Such application shall set forth the true legal description of the premises it is proposed to serve, the name, address, and phone number (contact information) of the

person about to perform the work, and the size and material of the service desired. It shall also set forth fully the kind of building for which the service is intended, and the applicant shall be required to answer truthfully all questions regarding such application which may be put to him/her by any officer, employee, or representative of the Township.

Sec. 2 – 43. Installation of service.

- a) No person shall make any attachment or connection with the pipes of the Township or make any repairs, additions to, or alteration of any fixtures connected with the system unless such connections, repairs, additions, extensions, or alterations are in accord with the code approved by the state plumbing board, and with any additional rules and regulations regulating the installation of plumbing which the Township may from time to time adopt.
- b) All work performed in making additions, connections, repairs, extensions or alterations of any fixtures connected with the service shall be subject to inspection by the Township or its representatives who have authority hereby granted, to order any part of such work discontinued or changed in order that the same shall comply with the rules and regulations of the Township.
- c) No water main shall be tapped, or service laid within the roadway boundaries by anyone other than the duly authorized employees of the Township, its representatives, or contractor and only under the authority of the Township.
- d) All service lines shall be laid not less than sixty (60) inches below the surface of the ground or sixty-six (66) inches below paved surface.
- e) All services hereafter laid from the water main to the meter shall be of not less than three-fourths inches internal diameter.
- f) All service pipes hereafter laid of three-fourths inches internal diameter shall be of copper or traceable polyethylene tubing and of a quality to conform to the standards recommended by the United States Bureau of Standards of the Department of Commerce for copper or traceable polyethylene tubing for water service. All service pipes greater than three-fourths inches internal diameter shall be ductile, poly or copper, and shall conform to the specifications of the American Water Works Association or as ordered by the Township.
- g) There shall be placed in all service lines on the inside of the public roadway right-of-way a curb stop or valve equipped with an iron extension service box leading to a point above the surface of the ground.
- h) Each service box shall be equipped with a cast iron cover with the word “water” cast thereon in raised letters.

- i) In no case shall there be any connection between water pipes receiving their supply from the Township mains, and pipes and pumps or tanks receiving their supply from any other source.
- j) Each single residential house must have a separate service connection with the water main even where there are two buildings on the same parcel (such as ancillary structures such as garages), one in the rear of the other.
- k) The cost of installing service pipes and private supply pipes, including curb stops, services boxes, and meter pits shall be borne by the person making application and at such rates as the Township may from time to time establish. The manner of making payment for such installations shall be in accordance with the manner which shall have been determined by the Township.
- l) All rights, title and ownership to the roadway portion of the service, including the corporation stop, curb stop, service box, and service pipe shall be vested in the Township.

Sec. 2 – 44. Meters.

- a) All connections with the water main must be prepared for the use of water through a meter and no water shall be supplied to any inhabitant of the Township unless such water shall be measured by a water meter of a design approved and installed by the Township, provided that for water services requiring meters in excess of five-eighths inches, meters shall be furnished only upon payment by the property owner of the increased cost thereof.
- b) An additional meter will be required if the property owner requests separating water service for a sprinkler system from the domestic water (if the property is serviced by the sanitary sewer system owned and operated by the Township) to the rest of the property. All provisions set forth in this ordinance and any other policy issued by the Township related to meters (installation and operation) will apply.
- c) All meters must be set in a meter pit.
- d) The meter pit (box) shall be located approximately at the property line. The meter pit (box) shall be prefabricated, insulated and of enough size to allow access to the meter and shall be approved by the Township. The cover shall be locking with the words “water meter” stamped clearly on the outside of the approved design. The cost of the meter pit (box) shall be borne by the consumer and the manner of making payment therefor shall be determined by the Township. The Township does reserve the right to waive some or all costs associated with the meter pit (box) due to circumstances related to public health.

- e) The consumer will be held responsible for the care and protection of the meter from freezing or damage by hot water and from injury by any person, and any damage which may occur to any water meter, meter pit, and/or curb stop box due to carelessness or neglect of the tenant, owner, or agent of the property on which said meter is placed (either inside building or inside meter pit) shall be paid for by such person upon presentation of a statement of damages, and in the manner determined by the Township.
- f) In case the consumer shall discover any defect or damage to the meter, he/she shall immediately notify the Township who shall make the proper disposition to place the same in good condition.
- g) All persons are forbidden to interfere with or remove a water meter from any service connection.
- h) No person shall break, remove or tamper with or shall cause or suffer to be broken, removed or tampered with any seal which is place on any meter or service box by an employee or representative of the Township.
- i) No person shall place or cause or suffer to be placed any device which shall serve to allow any water to be used which does not pass through the meter.
- j) All rights, title, and ownership of the meter shall be vested in the Township.
- k) It shall be the duty of the Township to read all meters of the Township periodically as directed, and thereupon the said department shall render a statement as soon as possible for the amount due as shown by the reading. Statements shall be payable as determined by the Township, but in no event shall failure to receive a statement excuse any consumer for nonpayment thereof.

Sec. 2 – 45. Maintenance of service.

- a) Every person having service from the Township shall, at his/her own cost and expense, keep in repair the consumers' portion of the service. If the said consumers' portion of the service is permitted to remain out of repair the Township may, after two days' prior notice in writing, shut off the water from said premises and whenever the water is so shut off it shall not be permitted to be again turned on until such pipes and wires shall have been placed in proper repair and inspected by Township employees or their representatives. The notice herein provided for may be served by personal service or by mail to the owner or occupant or the person in charge or control of the premises.

- b) All repairs to the public roadway portion of the service shall be made only by employees to the Township or its representatives under the supervision of the Township Superintendent. The cost of such repair will be borne by the Township.

Sec. 2 – 46. Access to property.

- a) The Township and any and every person delegated or authorized by the Township, shall have free entry and access to every part of any building, structure, or premises at any reasonable hour whenever such entry and access is deemed necessary or advisable for inspecting the pipes and fixtures connected with the Township. In case any person in charge or control of any such building, structure, or premises into which any officer or properly authorized person shall desire entry or access, shall refuse to permit such entry or access or shall do or cause to be done any act or thing for the purpose of preventing such entry or access, the Township Superintendent may turn off the service from said building, structure, or premises until notice shall have been given to the Township Superintendent, in writing, that such entry or access will be permitted or provide and until such entry and access has been accomplished. The Township Superintendent shall have the power and authority to require any pipes or fixtures to be replaced, removed, or changed when same are defective.
- b) No person shall in any way obstruct or cause to permit to be obstructed access to any shut off, curb stop, water meter, or recording device connected with any water main or service pipes, by any means whatsoever. If the owner, or person in charge or control of such building, structure or premises, shall after proper notification, refuse to remove such obstruction, the Township Superintendent may shut off the service until such obstruction shall be removed.

Sec. 2 – 47. Hydrants, valves, etc.

- a) No person shall take water from any fire hydrant, valve, faucet, pipe, or any other opening connected with the Township water system, unless such person shall first make application for the use of water, and shall have paid the required deposit and received permission in writing from the Township Superintendent or unless such person is an employee or representative of the Township acting in the discharge of his/her duties as such.
- b) No person shall open or close or tamper with any valve, hydrant, or curb stop without having first obtained permission in writing from the Township Superintendent.

Sec. 2 – 48. Shutting off water service.

- a) Any consumer may notify the Township by two days' prior notice, in writing, that water service is no longer desired, in which case the Township shall cause the meter to be removed from the premises or meter pit (box). When it is desired to reinstall service, by the same consumer, the reconnection fee, as established by the Township, shall be paid by the consumer. The consumer shall pay a turn-off/or turn-on fee as established by Township resolution and amended from time to time.
- b) Where the water supply to any building, structure or premises shall have been cut off or stopped by or under the direction of the Township, or in accordance with the provisions of this chapter, the water shall not again be supplied to such building, structure or premises, or permitted to be turned on therein, or thereto, unless a permit is first issued for that purpose by the Township. The Township shall in no case permit the water to be supplied to such building, structure or premises, until all fees and reconnection charges shall have been paid to the Township.
- c) If it shall be found that the water supply has been turned on, or into any such building, structure, or premises, in violation of the provisions of this chapter, the Township shall have the authority to order the severing of the service pipes by and through which water is supplied to such building, structure or premises.
- d) Where service is severed in accordance with the provisions of this chapter, such severing or cutting off shall be done at the water mains or as near thereto as practicable, and no water shall again be supplied to such building, structure, or premises, or be permitted to be turned on therein, or thereto, until the cost and expense of such severing and also any other unpaid rates that may be still outstanding, shall have been paid.
- e) The cost associated with cutting and capping the water service at/near the water main distribution system shall be paid for as time and materials to the Township.

Sec. 2 – 49. Annual review and periodic revision of water usage rates.

The user charge system shall be reviewed annually and revised periodically to reflect the actual operation and maintenance including replacement costs, administrative, surcharge, and capital costs and to make sure that each user class pays its proportionate share of those costs. Rates determined by this section shall be adopted annually by the Township Board rate resolution.

Secs 2 – 50-60. Reserved.

DIVISION 3. CROSS CONNECTION CONTROL

Sec. 2 – 61. Rules adopted.

The Township adopts by reference the water supply cross connection rules by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

Sec. 2 – 62. Inspections.

It shall be the duty of the Township to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspection's based potential health hazards involved shall be established by the Township, the local health department, and the State of Michigan.

Sec. 2 – 63. Right of entry.

Representatives of the Township shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Township for inspecting the piping system thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

Sec. 2 – 64. Disconnection of service.

The Township is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this ordinance.

Sec. 2 – 65. Testing devices.

All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Township and in accordance with the State of Michigan requirements. Only state certified individuals shall be qualified to perform such testing. That individual shall certify the results of his/her testing.

Sec. 2 – 66. Unsafe potable water supply labeling.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state and local plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

Sec. 2 – 67. Division as supplement.

This division does not supersede the state plumbing code but is supplementary to it.

Sec. 2 – 68. Penalties.

Any person or customer found guilty of violating any of the provisions of this division or any written order of the Township, in pursuance thereof, shall be deemed guilty of a civil infraction. Each additional day upon which a violation of the provisions of this division shall occur shall be deemed a separate and additional violation for the purpose of this division.

Secs. 2 – 69-70. Reserved.

DIVISION 4. PRIVATE WATER WELLS

Sec. 2 – 71. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private well means any well or excavation for purposes of taking water drilled or dug on privately owned land within the Township.

Sec. 2 – 72. Permit required.

No person shall dig or drill or continue existing use of a private well upon any lands within the Township without having first secured a permit thereof from the Iosco County Health Department and approval of the Township.

Secs. 2 – 73-100. Reserved.

ARTICLE III. SEWERS

DIVISION 1. GENERALLY

Sec. 3 – 101. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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 centigrade expressed in terms of weight and concentration (milligrams per liter).

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

Building sewer (including services) means the extension from the building drains to the public sewer mainline or another place of disposal. These sewers must not cross private parcels to public sewer without a recorded easement between all parties that provides for construction/replacement/repair/maintenance.

Capital costs means the capital costs of the publicly owned treatment works (POTW), including principle, interest, and administrative costs on any debt of the system, a reasonable rate of return, a payment in lieu of taxes, and other appropriate capital cost.

Categorical standards mean national categorical pretreatment standards.

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 consumer, and dichromate oxygen consumed.

Chlorine demand means the difference between the amount of chlorine applied and the amount of free chlorine available at the end of the contact time, expressed in milligrams per liter.

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

Commercial waste means a liquid- or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods, or engaging in said goods or service.

Compatible pollutant means a substance amenable to treatment in the POTW such as biochemical oxygen demand, pollutants identified in the NPDES permit if the POTW 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, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils, and greases of animal or vegetable origin.

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.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

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

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

Industrial wastes mean the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics.

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

Infiltration/inflow means the total quantity of water from both infiltration and inflow.

Inflow means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas storm drain cross connections.

Interference means the inhibition or disruption of the POTW treatment processes or operations, or that which contributes to a violation or any requirement of the NPDES permit, or that which reduces the efficiency of the POTW, or that which prevents sewage sludge use or disposal by the POTW.

Lateral line means that portion of the sewer system located under the roadway or within the roadway right-of-way from the property line to the trunk line and which collects sewage from a property for transfer to the trunk line.

National categorical pretreatment standard of pretreatment standard means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

National pollution discharge elimination system (NPDES) permit means the 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 water or groundwater.

New source means any source, the construction or discharge of which, is commence after the adoption of this article.

Normal domestic sewage (NDS) means the wastewater, which when analyzed, shows a daily average concentration of not more than 250 milligrams per liter (mg/l) of BOD; nor more than 250 mg/l of suspended solids; nor more than 50 mg/l of fats, oils, and grease; nor more than 40 mg/l of total nitrogen, nor more than 10 mg/l of phosphorus.

Operation and maintenance (O&M) means all work, materials, equipment, utilities, and other effort required to operate and maintain the POTW consistent with adequate treatment or wastewater to produce an effluent in compliance with the NPDES

permit and other applicable local, state, and federal regulations and includes the cost of replacement.

Owner means the owners of the premises or lesser estate therein, a mortgagor or vendee in possession assignee of rents, receiver, executor, trustee, lessee, or other person in control or possession of a building or premises.

Pollutant means any of the various chemicals, substances and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water or soil.

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 POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d) or current regulations.

Private sewer lines mean all service lines and equipment for the disposal of sewage installed or located on any private property, from the property line, to and including any structure or facility which exists on the property. Repair and maintenance of private sewer lines from the structure to the mainline sewer (not the property line) is the responsibility of the property owner.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Publicly owned treatment works (POTW) means the complete wastewater collection, treatment, and disposal system of the Charter Township of Oscoda (Township), including all structures, land, and equipment used for those purposes. It shall also include any sewers, pump stations, lift stations, and force main that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the POTW.

Replacement means the replacement in whole or in part of any equipment, appurtenances, and accessories of the POTW during its useful life to ensure continuous treatment of wastewater in accordance with the NPDES permit and other applicable local, state, and federal regulations.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from any structure, residence, building, institution, or industrial establishment, together with such groundwater as may be present.

Sewer means a pipe or conduit for carrying sewage.

Sewer service charge means the sum of applicable user charges, surcharges and capital charges.

Slug load means any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids mean 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 public health or environment including those listed as toxic in regulation promulgated by the administrator or the environmental protection agency under the provisions of the CWA 307(a) or other acts.

Trunk line means the main sewer line located under any roadway or within any roadway right-of-way which collects and transmits the sewage of the various properties served by the sewer system.

Uncontaminated industrial waste means wastewater which has not meet any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

User means any person who contributes, causes, or permits the contribution of wastewater into the POTW and/or the owner or occupant of any property from which a discharge is made.

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 included the cost of replacement, as defined by the EPA.

User class means the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial, commercial, institutional, and governmental.

Commercial user means an establishment listed in the office of management and budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

Governmental user means any federal, state, or local governmental user of the POTW.

Industrial user means any user of the wastewater system that:

- 1) Is identified in the Standard Industrial Classification Manual, 1982, office of management and budget, as amended and supplemented under one of the following divisions:
 - a. Division A – Agriculture, forestry, and fishing;
 - b. Division B – Mining;
 - c. Division D – Manufacturing;
 - d. Division E – Transportation; communications; electric; gas; and sanitary services;
 - e. Division I – Services; or
- 2) Discharges wastewater to the POTW which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process; or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works; or
- 3) Discharges wastewater containing pollutants which may interfere with the treatment process, be toxic or incompatible, interfere with the processing or disposal of the sludge, or may have an adverse effect on the receiving body of natural water.

Institutional user means an establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Residential user means a user of the treatment work whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached or semi-detached, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, as it is considered commercial).

Wastewater means the liquid- and water-carried wastes from any structure, dwelling, building, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present whether treated or untreated, which is discharged into permitted to enter the POTW.

Sec. 3 – 102. Purpose and policy.

This ordinance sets forth uniform requirements for the Publicly Owned Treatment Works (POTW) for the Charter Township of Oscoda and enables the Charter Township of Oscoda to protect and promote the health, welfare and safety of the Charter Township of Oscoda and to comply with all applicable State and Federal laws including the Clean Water Act, as amended, (Public Law 92-500) and the General Pretreatment Regulation (40 Code of Federal Regulations part 403). The objectives of this ordinance are:

- a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- c) To ensure that the quality of the wastewater treatment lagoon sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- d) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- e) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- f) To provide for fees and for the equitable distribution of the cost of operation, maintenance, and improvement to the POTW; and,
- g) To enable the Charter Township of Oscoda to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 3 – 103. Administration.

Except as otherwise provided herein, the “Township (Superintendent and/or Supervisor)” shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the “Township” may be delegated by the “Township” to other Charter Township of Oscoda personnel or contracted representatives.

Secs. 3 – 104-119. Reserved.

DIVISION 2. REQUIREMENTS TO HOOK UP; DISCHARGE TO NATURAL OUTLETS PROHIBITED WITHOUT PERMIT; SEPTIC SYSTEM; PERMIT REQUIRED; UNSANITARY DEPOSITS

Sec. 3 – 120. Requirements to hook up.

The owner or occupant of any residence, building, or properties used for human occupancy, employment, recreation, or other purposes and abutting on any road, street, alley, or right-of way in which there is now located a public sanitary within four hundred (400) feet of structure, is hereby required at their expense to install suitable sewage facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this article. The owner or occupant must connect to said sanitary sewer in the event that the current on-site sewage treatment facility (septic field, etc.) has failed or has been deemed unusable by the county health department.

Sec. 3 – 121. Discharge to natural outlet prohibited without permit.

It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been specifically permitted by the county health department.

Sec. 3 – 122. Septic system; permit required.

It is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless specifically permitted by the county health department and with permission of the Township.

Sec. 3 – 123. Unsanitary deposits.

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It is unlawful for any person to place, deposit, or permit to be deposited in any manner upon public or private property any human or animal excrement, garbage, or other objectionable waste.

Secs. 3 – 124-140. Reserved.

DIVISION 3. CONDITIONS TO DISCHARGE

Sec. 3 – 141. Conditions to issuing a permit.

The Township may, as a condition to issuing a permit to discharge wastewater to the POTW:

- a) Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW.
- b) Limit the average and maximum wastewater constituents and characteristics.
- c) Limit the average and maximum rate and time of discharge or make requirements to flow regulations and equalization.
- d) Require the installation and maintenance of inspection and sampling facilities.
- e) Require pretreatment of wastewater discharges.
- f) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.
- g) Establish compliance schedules.
- h) Require the submission of reports, including technical reports and discharge reports.
- i) Require the maintaining, retaining, and furnishing of plant record relating to wastewater discharge as specified by the manager, and affording the manage access thereto, and copying thereof (three (3) year minimum).
- j) Require notification to the Township of nature of the site, manufacturing, and 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.
- k) Require notification of slug discharge.

- l) Require other reasonable and necessary conditions to ensure compliance with this article.
- m) Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
- n) Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.
- o) Establish any other reasonable and necessary conditions for use of the POTW.

Sec. 3 – 142. Inspection and sampling.

The Township shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township superintendent or his representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examinations, records copying, or performing any of their duties. The Township, State of Michigan and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require security clearance before entry into their premises, the user shall make necessary arrangements with their security personnel so that, upon presentation of suitable identification, personnel from the Township, state agency and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Sec. 3 – 143. Pretreatment requirements; publication of users not in compliance.

- a) Industrial users shall provide necessary wastewater treatment and pretreatment as required to comply with this article and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations as required by the Township. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities 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 Township under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the user's initiation of the changes.

- b) The Township shall annually publish in a local newspaper a list of the users which are not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months.
- c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or State of Michigan upon request.

Sec. 3 — 144. Confidential information.

- a) Information and data on a user, obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections, shall be available to the public or other governmental agency without restriction unless, the user specifically requests and is able to demonstrate to the satisfaction of the Township, that the release of such information would divulge information, processes, or methods entitled to protection as trade secrets of the user and the information or documents are exempt from disclosure under the Michigan Freedom of Information Act.
- b) When requested by the person furnishing the report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public if the report is exempt from disclosure under the Michigan Freedom of Information Act, but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Secs. 3 – 145-160. Reserved.

DIVISION 4. PRIVATE SEWAGE DISPOSAL

Sec. 3 – 161. Requirements and conditions.

- a) Where a public sewer is not available as described in Sec. 3 – 120, the building sewer shall be connected to an approved private sewage disposal system.
- b) The construction use and maintenance of a private sewage disposal system shall comply with all applicable requirements of the county health department and state agency.

- c) Before constructing a private sewage disposal system, the owner shall first obtain permission from the Township.
- d) All persons receiving a permit for a private sewage disposal system shall provide the Township with copies of all final approved inspection reports issued by the county health department.
- e) No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- f) At such time as a public sewer becomes available to a property served by a private sewage disposal system as described in Sec. 3 – 120, a direct connection shall be made to the public sewer at such time the private sewage disposal system fails or requires significant maintenance requiring a permit from the public health department in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned per the guidelines of the public health department and any other local codes.
- g) The owner shall always operate and maintain the private sewage disposal facility in a sanitary manner.

Secs. 3 – 162-170. Reserved.

DIVISION 5. SEWER CONNECTIONS; PERMIT REQUIRED; DUTY TO MAINTAIN

Sec. 3 – 171. No connection without permit.

No person shall make any connections with, open into, use, alter, or disturb any public sewer or the POTW without first obtaining a written permit from the Township. No sewer shall be covered until after it has been inspected and approved by the Township.

Sec. 3 – 172. Permit procedure.

The owner or his agent shall make application for a sewer permit on a form furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information required by this article or considered pertinent in the judgement of the Township. A tap fee, which shall be set from time to time by the Township Board of Trustees, shall be paid to the Township Treasurer at the time the application is filed. A plumbing permit is also required. If a roadway/street opening is required to make the lead connection, an additional attachment to the permit must be completed.

Sec. 3 – 173. Costs, indemnification, responsibility to clean, maintain, and repair.

All costs, expenses, and liabilities incident to the installation and connection of the building sewer to the public sewer shall be borne by the property owner. The property owner shall indemnify and hold harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- a) It shall be the duty of each property owner to maintain, clean, and repair private sewer lines and laterals servicing said property at his own expense as needed to keep said lines free and clear of obstruction and in good working order.
- b) It shall be the duty of the Township to maintain, clean, and repair as needed, at the Township's expense, all trunk sewer lines. The Township shall not be responsible for cleaning, repair, or maintenance of private sewers or laterals serving all properties.
- c) If any property owner fails to maintain a private sewer line or lateral as required by this article, in addition to the other penalties prescribed, the sewer may be declared a public nuisance by the Township and the defect may be corrected by the Township. Any costs incurred by the Township shall be assessed against the property and become a lien on the property if not paid within ninety (90) days.

Sec. 3 – 174. Separate connections.

A separate and independent building sewer shall be provided for every building, the exception being if 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, yard or driveway. In this instance, the building sewer from the front building may be extended to the rear building.

Sec. 3 – 175. Old building sewers.

Old building sewers may be used in connection with the new building only when they are found, in examination and test by the developer's contractor and inspected by the Township, to meet all requirements of this article.

Sec. 3 — 176. Building sewer; requirements.

- a) The building sewer shall be constructed in accordance with procedures and materials approved by the county.
- b) The size and the slope of the building sewer shall be subject to approval by the Township, but in no event shall the diameter be less than 4 inches. The slope of such 4-inch pipe shall not be less than ¼-inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is 6 inches or more, shall not be less than 1/8- inch per foot, unless otherwise permitted.

- c) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within 3 feet of any bearing wall, which might thereby be weakened. The depth shall be enough to afford protection from frost. The building sewer shall be laid at a uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than 45 degrees shall be provided with cleanouts accessible for cleaning.
- d) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Township and discharged to the building sewer.
- e) All joints and connections shall be made gastight and watertight.
- f) No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force main, and the sewage treatment facilities (lagoons), including capacity for treatment of BOD and suspended solids.
- g) All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is always accessible. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.
- h) All sewers shall be constructed in accordance with latest edition of the "Ten State Standards", and any other applicable laws or ordinances, or regulations of the state, county, or Township.
- i) The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer.
- j) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

Secs. 3 – 177-199. Reserved.

DIVISION 6. USE OF PUBLIC SEWERS

Sec. 3 – 200. General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users whether the user is subject to the national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The Township shall refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A user may not contribute the following substances to the POTW.

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a) Any liquids, solids, or gases which by reason of their nature and quantity are, or may be, enough either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to:

- 1) Gasoline;
- 2) Kerosene;
- 3) Naphtha;
- 4) Benzene;
- 5) Toluene;
- 6) Zylene;
- 7) Ethers;
- 8) Alcohols;
- 9) Ketones;
- 10)Aldehydes;
- 11)Peroxides;
- 12)Chlorates;
- 13)Perchlorates;
- 14)Bromates;
- 15)Carbides;
- 16)Hydrides; and
- 17)Sulfides.

b) Solid, insoluble, or viscous substances which may cause obstruction to the flow in a sewer other interference with the operation of the wastewater treatment facilities such as, but not limited to:

- 1) Grease;

- 2) Garbage with particles greater than ½ inch in any dimension;
- 3) Animal guts or tissues;
- 4) Paunch manure;
- 5) Bones, hair, hides, or fleshings;
- 6) Entrails;
- 7) Whole blood;
- 8) Feathers;
- 9) Ashes, cinders, sand, spent lime, stone, or marble dust;
- 10) Metal;
- 11) Glass;
- 12) Straw;
- 13) Shavings;
- 14) Grass clippings;
- 15) Rags;
- 16) Spent grains;
- 17) Spent hops;
- 18) Wastepaper;
- 19) Wood;
- 20) Plastics;
- 21) Gas;
- 22) Tar;
- 23) Asphalt residues, residues from refining, or processing of fuel or lubricating oil;

- 24)Mud; or
- 25)Glass grinding or polishing wastes.
- c) Any wastewater having a pH less than 6.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structure, equipment, or personnel of the POTW.
 - d) Any wastewater containing toxic pollutants in enough 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 POTW, or exceed the limitation set forth in a categorical pretreatment standard. The prohibition of toxic pollutants will conform to section 307(a) of the Clean Water Act, as amended.
 - e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are enough to create a public nuisance or hazard to life or are enough to prevent entry into the sewers for maintenance and repair.
 - f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process or with the spray irrigation and land application process.
 - g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards or spray irrigation and land application requirements or standards.
 - h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - i) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
 - j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.
 - k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.

- l) Any wastewater which causes a hazard to human life.
- m) Any unpolluted water including, but not limited to, stormwater, groundwater, roof water, or noncontact cooling water.
- n) Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the POTW.
- o) Any waste from individual sewage disposal systems except at the POTW treatment plant as provided in Division 7 of this article, except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, an individual sewage disposal system is defined to include every means of disposing of industrial, commercial, household, domestic or, other water-carried sanitary waste or sewage other than a public sewer.
- p) Any sludge, precipitate, or congealed substance resulting from an industrial or commercial process or resulting from the pretreatment of wastewater or air pollutants.

Sec. 3 – 201. Specific pollutant limitations; rejection; pretreatment, cost.

- a) No person shall discharge wastewater containing in excess of the following amounts without receiving prior written permission from the Township.
 - 1) A BOD of 250 mg/l.
 - 2) A COD of 400 mg/l.
 - 3) Suspended solids of 250 mg/l.
 - 4) Fat, oils, and grease (solid/viscous) of 50 mg/l.
 - 5) Total kjeldahl nitrogen of 40 mg/l.
 - 6) Phosphorus of 10 mg/l.
 - 7) Perfluorooctane sulfonate (PFOS) of 2.0 ng/l
 - 8) Perfluorooctanoic acid (PFOA) of 2.0 ng/l

Polyfluoroalkyl substances (PFAS) in accordance with state/federal water quality analysis, should be based on site-specific data and standard local limits calculations as recommended by EPA to ensure they are enforceable.

Nor shall any person discharge any pollutant listed in the Michigan Water Resources Commission Critical Materials Register or the U.S. EPA priority pollutant list as issued from time to time.

- b) If any waters are discharged or proposed to be discharged to the public sewers, which wastes contain the substances or possess the characteristics enumerated in subsection (a) of this section, or which in the judgement of the Township may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, groundwaters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:
- 1) Reject the wastes.
 - 2) Require pretreatment to the level defined as “normal domestic sewage.”
 - 3) Require control over the quantities and rates of discharge.
 - 4) Require payment to cover the added cost, of handling and treating the wastes not covered by standard sewer charge.
 - 5) Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flow.
 - 6) Suspend service at any time for good cause with notice.
- c) If the Township permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township and shall be subject to the requirements of all applicable codes, regulations, and laws.

Sec. 3 – 202. National categorical pretreatment standards.

Upon the promulgation of the national categorical pretreatment standards for a subcategory, the pretreatment standard, if more stringent than limitations imposed under this article for sources in the subcategory shall be considered part of this article. The Township shall notify all affected users of the applicable reporting requirements.

Sec. 3 – 203. State requirements.

State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those contained in this article.

Sec. 3 – 204. Right of revisions.

The Township reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.

Sec. 3 – 205. Discharge of stormwater prohibited.

- a) No user shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, or road water to any sanitary sewer or sewer connection. Any premises connected to a storm sewer shall comply with county, state, and federal requirements as well as those of the Township.
- b) Downspouts and roof leaders shall be disconnected from sanitary sewer within six (6) months of the date of the ordinance from which this article is derived. If this is not done, the Township shall perform this work and bill the user.
- c) Stormwater, groundwater, and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the State of Michigan.

Sec. 3 – 206. Grease, oil, and sand interceptors.

Grease, oil, and sand interceptors shall be provided when in the opinion of the Township they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material 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 in place shall be gastight and watertight and follow Iosco County plumbing code requirements. When installed, all grease, oil, and sand interceptors or flow equalizing facilities shall be maintained by the owner at his expense, always in continually efficient operation.

Sec. 3 – 207. Preliminary treatment for certain discharges.

- a) Before the discharge into the POTW of any waters or wastes containing:

- 1) The characteristics described in Sec. 3 – 201; or
 - 2) An average daily flow greater than two (2) percent of the average daily sewage flow of the POTW or having a rate of flow (gallons per day) greater than ten (10) percent of the average flow for a period of one (1) hour or more.
- b) The Township may require the user, at his expense, to provide such preliminary treatment as may be necessary to reduce objectionable characteristics of constituents to within the maximum limits provided for in Sec. 3 – 201, or to control quantities and rates of discharge of such waters or wastes.

Sec 3 – 208. Additional charges for certain discharges.

Where the strength of sewage from an industrial, commercial, governmental or institutional establishment exceeds the parameters specified in Secs. 3 – 201 and 207, and where such wastes are permitted to be discharged to the sewer system by the Township, an added charge as set for in Sec. 3 – 301 of this article, will be made against the user according to the strength of such wastes.

Sec. 3 – 209. Control and monitoring manhole.

When required by the Township, the owner of any property serviced by a building sewer carrying industrial or commercial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the water. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

Sec. 3 – 210. Measurement standards.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the most recent edition of “Standard Methods for the Examination of Water and Wastewater,” and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. If no special manhole has been required, the control manhole shall be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sec. 3 – 211. Methods of measuring flow.

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

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- a) The amount water supplied to the premises by the Township as shown upon the water meter if the premises are metered.
- b) 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 discharge into the sewer system, the estimate of the amount of sewage discharged into the sewer system may be made by the Township from the water, gas, or electrical supply.
- c) The number of gallons 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 Township.
- d) A figure determined by the Township by any combination of the foregoing or by any other equitable method.
- e) EPA approved methods as outlined in SESD Operating Procedures (SESDPROC-109-R4) – Wastewater Flow Measurements (109) - AF. R4

Sec. 3 – 212. Excessive 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 limitation contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the Township or state. Dilution may be an acceptable means of complying with certain or the prohibitions set forth in Sec. 3 – 301, upon written approval of the Township.

Sec. 3 – 213. Accidental discharge.

- a) *Protection from an accidental discharge.* When required by the Township, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. 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 Township for review and shall be approved by the Township before construction of the facility. In addition, a spill prevention plan shall also be provided to the Township for review and approval. If required by the Township, a user who commences contribution to the POTW, after the effective date of the ordinance from which this article is derived, shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedure shall not

relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

b) *Accidental discharge.* When an accidental discharge occurs:

- 1) *Immediate notice to the Township.* In the case of an accidental discharge, it is the responsibility of the user to immediately notify the Township/POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- 2) *Written notice.* Within five (5) days following an accidental discharge, the user shall submit to the Township a detailed written report describing the nature 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 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 division or other applicable law.
- 3) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the user to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 3 – 214. Separate agreement to discharge.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any user whereby waste of unusual strength or character may be accepted by the Township, subject to payment therefor by the user, provided such waste will not damage the POTW, or the receiving waters. No special agreement shall be entered which conflicts with state or federal law or regulation.

Secs. 3 – 215-230. Reserved.

DIVISION 7. DISPOSAL AT POTW TREATMENT FACILITY

Sec. 3 – 231. Permission required.

Waste from private sewage systems is not accepted by the Township at the POTW lagoons or at another designated site with connection to the sewer system.

Secs. 3 – 232-250. Reserved.

DIVISION 8. PROTECTION FROM DAMAGE

Sec. 3 – 251. Damage prohibited.

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW.

Secs. 3 – 252-260. Reserved.

DIVISION 9. MUNICIPAL LIABILITY; USER'S RESPONSIBILITY

Sec. 3 – 261. Township not responsible for service interruptions.

The Township shall not be responsible for interruptions of service due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the user that all connected equipment remains in good working order as not to cause disruption of service of any sewer or treatment plant equipment.

Secs. 3 – 262-269. Reserved.

DIVISION 10. POWER AND AUTHORITY OF INSPECTORS

Sec. 3 – 270. Authorized inspectors, administrative warrants.

The Township Superintendent, Supervisor, and other duly authorized employees/representatives of the Township bearing proper identification, shall be permitted to enter upon premises discharging to the POTW as may be necessary for the purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this article. If a user refuses to grant entry, the Township may seek an administrative warrant for an inspection from any court authorized to issue search warrants. In an emergency which created an immediate and substantial danger to persons or property, the premises may be inspected without permission or a warrant.

Secs. 3 – 271-279. Reserved.

DIVISION 11. ENFORCEMENT ORDERS

Sec. 3 – 280. Authority of the Township.

If the Township determines that a user has violated any provisions of this article, the Township may issue an order to act deemed appropriate under the circumstances, including, but not limited to, the following:

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- a) *Immediate cease and desist order.* The Township may issue an order to cease and desist from discharging any wastewater, incompatible pollutants, or illegal discharge. Such order shall have immediate effect where the actual or threatened discharge to the system presents, or may present, imminent, or substantial endangerment to the health and welfare of persons, to the environment, or cause interference with the operation of the POTW. If action is not taken immediately to correct the discharge, the Township will implement whatever action is necessary to halt said discharge, including termination of service. Any penalties, fines, expenses, or losses incurred as applicable will be assessed through provisions of Sec. 3 – 201.
- b) *Order to appear and show cause.* In cases other than those defined above, the Township may issue an order to appear and show cause at a hearing held to determine why an order to cease and desist by a certain time and date should not be issued. The proposed time for remedial action shall be specified in the order to show cause. Such order may also contain such conditions deemed appropriate by the Township.

Sec. 3 – 281. Service of order.

The order to appear and show cause shall be served upon the user by person, service or in lieu thereof by certified mail, return receipt requested, to the user's last known address.

Sec. 3 – 282. Hearing procedures.

- a) The hearing shall be conducted by the Township Superintendent and/or Supervisor or hearing officer appointed by him/her, who shall render a written decision determining whether the user's service shall be terminated and stating reasons therefore. Admissibility of evidence at the hearing shall be within the discretion of the Superintendent/Supervisor or officer.
- b) The user shall be entitled to be represented at hearing in person or by an attorney at his own expense and shall be entitled to examine witnesses for the Township and present evidence on his own behalf. A record shall be made of the proceedings, but such record need not be verbatim.

Sec. 3 – 283. Post-termination hearing.

The user, whose service, is terminated without prior hearing under Sec. 3 – 280, may request such a hearing as described in Sec. 3 – 282, to permit him to show why his service should not have been terminated and should be resumed. Such requests shall be granted, but service will not be resumed unless so ordered by the Township Superintendent or Supervisor or appointed hearing officer.

Secs. 3 – 284-299. Reserved.

DIVISION 12. RATES AND CHARGES FOR SERVICE

Sec. 3 – 300. Rates established; basis for computation.

- a) *Requirement to pay.* Each user of the POTW shall pay the rate and charges as set forth in the user charge system.
- b) *Basis for user charges.* The user charge system shall be set so that each user or user class pays its proportionate share of operation and maintenance including replacement, costs of the POTW, based on the user's proportionate contribution to the total wastewater loading from all users or user classes. To ensure a proportionate distribution of operation and maintenance costs to each user or user class the user's contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.
- c) *Basis for capital charges.* The capital charges shall be set so each user or user's class pays its reasonable share of the capital cost, which may include a reasonable rate of return and a payment in lieu of taxes.

Sec. 3 – 301. Rate for wastewater service.

- a) *User charge system.* Rates for wastewater service shall be as set forth in the user charge system for each user class. The rate shall include charges for operation and maintenance including replacement costs, administration, and capital costs. There shall also be an additional charge or surcharge paid by the user when wastewater is permitted to be discharged to the POTW which exceeds the parameters of Secs. 3 – 201-207. The surcharge shall be based upon the increased costs to treat such wastewaters as determined in the user charge system.
- b) *Extra charges.* Surveillance monitoring and extra charges are as follows.
 - 1) Time and material charges, as determined by the Township, shall be used for surveillance costs and monitoring costs when required of a user.
 - 2) In addition to the above charges, each user shall pay the charges for miscellaneous service, as determined by the Township.
 - 3) Any user that is responsible for discharging prohibited material into the POTW shall be charged the actual expense incurred by the Township for the handling, treating, and/or removal of said material from the system.

- 4) Any user that is responsible for damage to the POTW shall be charged the full cost of repair of the damage. The cost shall include, but is not limited to, labor, equipment, materials, administrative expense, interest on borrowed funds, engineering, legal, or other professional fees or expenses charged to the Township, and any or all fines, costs, penalties or damages imposed upon the Township by the United States, the State of Michigan or any court or administrative agency.
 - 5) Any user that is the subject of any enforcement action under this article shall be charged and shall pay the cost incurred by the Township for the enforcement action, including actual attorney's fees and costs.
- c) *Recovery of cost or pretreatment program from industrial users.* The costs incurred by the Township for the implementation and administration of the pretreatment program may be levied on industrial users based upon the characteristics and volume of pollutants discharged by the industrial users. The Township Board shall establish the charges from time to time.
 - d) *Rates for users outside of the Township.* The rates for any user located outside of the Township shall be as set forth in the agreement between the Township and that user for wastewater service. Capital charges may be higher for users located outside of the Township than inside the Township.
 - e) *Annual notification of users.* Users shall be notified at least once per year how much each user class is being charged for its proportionate share of operation, maintenance, and replacement costs, and capital charges, as required by EPA regulations.

Sec. 3 – 302. Annual review and periodic revision.

The user charge system shall be reviewed annually and revised periodically to reflect the actual operation and maintenance including replacement costs, administrative, surcharge, and capital costs and to make sure that each user class pays its proportionate share of those costs. Rates determined by this section shall be adopted annually by the Township Board rate resolution.

Sec. 3 – 303. Revenue requirement.

The rates and charges shall be set so that the user charge system generates enough revenue to offset all of the costs incurred in the operation of the POTW.

Sec. 3 – 304. Excess revenue adjustment.

Any excess revenues collected from a class of users shall be applied to the costs of operation and maintenance attributable to that class for the next year and the rate shall be adjusted accordingly.

Sec. 3 – 305. Toxic pollutants.

Any user that discharges toxic pollutants which cause an increase in the cost of operation and maintenance or managing the effluent or disposal of the sludge of the POTW shall pay such increased cost.

Sec. 3 – 306. Charges as lien: collection by suit; discontinuing wastewater service for failure to pay.

- a) The charges for wastewater service are hereby recognized to constitute a lien on the premises receiving such service as permitted by Public Act No. 178 of 1939, as amended. This lien shall become effective immediately upon providing wastewater service to the premises but shall be not enforceable for more than three (3) months after it becomes effective. Whenever any such charges against any property shall be delinquent for three (3) months, the Township officials in charge of the collection may certify to the tax assessing officer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced.
- b) If a charge for wastewater service is not paid within thirty (30) days after the billing, and after the customer has been given notice and an opportunity to be heard as provided by law, all water service may be shut off and discontinued to the customer owning or liable for such charge. Water service that is shut off shall not be restored until all sums owing have been paid in full, including a collection fee and an appropriate security deposit, as may be set from time to time by the Township Board.
- c) At its option, the Township may, in addition to the remedies in subsections (a) and (b) of this section, bring suit in an appropriate court for the collection of any wastewater service charge which has not been paid within thirty (30) days after the billing date. The production of the meter record or cost record shall be prima facie evidence of the liability to pay the amount shown to be due.

Secs. 3 – 307-319. Reserved.

DIVISION 13. RECORDS RETENTION

Sec. 3 – 320. Records retention for three (3) years.

All users subject to this article shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling and chemical analyses made by or on behalf of a user in connection with its discharge.

Secs. 3 – 321-329. Reserved.

DIVISION 14. CONFLICT

Sec. 3 – 330. Inconsistent ordinances or regulations.

All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this article, shall be deemed not to apply: provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.

Secs. 3 – 331-339. Reserved.

DIVISION 15. NO FREE SERVICE

Sec. 3 – 340. Free service prohibited.

No free service shall be allowed for any user of the Township wastewater system.

Secs. 3 – 341-349. Reserved.

DIVISION 16. PENALTIES

Sec. 3 – 350. Penalty for violation.

Any person convicted of a violation of any provision of this article shall be punished in accordance with the General Provisions of the Township Ordinances.

Sec. 3 – 351. Violation of public nuisance.

A violation of this article is also declared to be a public nuisance and the Township may enforce by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises thereof and if not collected, the bill will become a lien upon the property.

Sec. 3 – 352. Responsibility for fines, damages, and expenses.

Any user violating any of the provision of this article, which results in fines or penalties being levied against the Township, shall pay or reimburse the Township for said fine or

penalty, plus any expenses, loss, or damage occasioned by such violation. Any user violating the provisions of this article shall pay or reimburse the Township for any expense incurred in enforcing this article, including actual attorney's fees.

Secs. 3 – 353-360. Reserved.