

TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

SEWER USE AND RATE ORDINANCE #43

Originally published August 2004

Adopted August 2004

Revised March 2011

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ORDINANCE 43

SEWER USE AND RATE ORDINANCE

Sec. 1 Policy

An ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, and Act 191 of the Public Acts of 1939, as amended, to regulate private and Public Sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and to provide for pollutant limitations, data collection, monitoring and sampling, and to preserve, promote and protect the health, safety and general welfare of the person and property within Tyrone Township; and to provide for enforcement hereof; and to provide for penalties and remedies for the violation thereof, in the Township of Tyrone, County of Livingston, State of Michigan.

This Ordinance defines the requirements for all single and non-single family residences. Non-single residences include attached condominiums, apartments, stores, offices, restaurants, and industries, all of which must meet the industrial pretreatment requirements of the Genesee County Water and Waste Services Industrial Pretreatment Program.

The Township of Tyrone, Livingston County, Michigan Ordains:

Sec. 2 Purpose

The objectives of this Ordinance are:

- a) to prevent the introduction of pollutants into the Wastewater system, which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- b) to prevent the introduction of pollutants into the Wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- c) to improve the opportunity to recycle and reclaim Wastewater and sludge from the system.
- d) to provide for equitable distribution of the cost of the municipal Wastewater system.

Sec. 3 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- Applicable County Health Department shall mean the Livingston County Health Department.
- Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (b) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, or for environmental matters of the company. Authorization for this representative must be submitted in writing to the Township by the individual designated in (a) or (b) hereof.
- Available Public Sanitary Sewer System shall mean a public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.
- Backflow shall mean water of questionable quality, wastes or other contaminants entering a public water supply system due to reversal of flow.
- Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter).
- Building Drain shall mean 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 (5) feet outside the inner face of the building wall.
- Building Sewer shall mean the extension from the building drain to the Public Sewer or other place of disposal.
- Bypass. The intentional diversion of waste streams from any portion of a User's pretreatment facility.

- Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- Chemical Oxygen Demand (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or Wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
- Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- Commercial Waste shall mean a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.
- Compatible Pollutant. A substance amenable to treatment in the Wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, and fats, oils, and greases of animal or vegetable origin.
- Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- Connection Fee. The charge imposed by the Township and/or Livingston County to connect a Building Sewer, either directly or indirectly to the Public Sewer.
- Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- Cross Connection shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur.
- Debt Service Charge means charges levied to customers of the Wastewater system which are used to pay principal, interest, and administrative costs of retiring the debt incurred for construction of the sewer system. The debt service charge shall be in addition to the user charge specified below.
- Direct Connection means the connection of the Building Sewer directly to the Public Sewer.

- Direct Discharge. The discharge of treated or untreated Wastewater directly to the waters of the State.
- Dwelling Unit. For purposes of assigning units, a "dwelling" unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower, and a kitchen.
- Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, Administrator or other duly authorized official.
- Garbage shall mean solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- Grab Sample. 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.
- Groundwater. Groundwater shall mean the water beneath the surface of the ground, consisting largely of Surface Water that has seeped down, also the source of water in springs and wells.
- Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- Incompatible Pollutants. Any pollutant which is not a compatible pollutant.
- Indirect Connection. The connection of a Building Sewer to an extension of the public sewer system that is installed and paid for by special assessment or private funds, which extension is, after construction, turned over to the Township and becomes part of the Public Sewer (e.g., if a developer constructs sanitary sewers in a plat and connects the sewer line to the public sewer system, the connection of each lot in the plat would be an Indirect Connection).
- Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).
- Industrial Wastes. The Wastewater discharges from industrial, manufacturing, trade or business processes, or Wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- Infiltration shall mean any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.
- Infiltration/Inflow shall mean the total quantity of water from both infiltration and inflow.

- Inflow shall mean 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, and storm drain cross connections.
- Inspector shall mean any person or persons authorized by Tyrone Township or Livingston County to inspect and approve the installation of Building Sewers and their connection to the public sewer system and who may be the Operator.
- Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of Genesee County's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.
- Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.
- Lateral Line. That portion of the sewer system located under the street or within the street right-of-way from the property line to the Trunk Line and which collects sewage from a particular property for transfer to the Trunk Line.
- Livingston County-Genesee County Contract shall mean the contract between the County of Livingston and the County of Genesee and all subsequent contracts.
- Manager shall mean the Township manager of public works or an authorized representative appointed, contracted with or selected by the Township to act as manager..
- National Categorical Pretreatment Standard or Pretreatment Standard. Any Federal regulation containing pollutant discharge limits promulgated by the U.S. EPA, which applies to a specific category of Industrial Users.
- National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or Groundwater.

- New Source. Any building, structure, facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act will be applicable to the source if the standards are thereafter promulgated in accordance with Section 307(c), and if any of the following provisions apply:
 - a) The building, structure, facility, or installation is constructed at a site where no other source is located;
 - b) The building, structure, facility, or installation totally replaces the process or production equipment that causes discharge of pollutants at an existing source; or
 - c) Production or Wastewater generating processes of the facility are substantially independent of an existing source at the same site.

Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. (Construction on a site at which an existing source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility or installation meeting the criteria of items b) or c) above but otherwise alters, replaces, or adds to existing process or production equipment.)

- Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than two hundred and fifty (250) mg/l of BOD; nor more than two hundred and fifty (250) mg/l of suspended solids; nor more than six (6) mg/l of phosphorus; nor more than one hundred (100) mg/l of fats, oils, and grease; nor more than thirty-five (35) mg/l of total Kjeldahl nitrogen.
- Obstruction. Any object of whatever nature that substantially impedes the flow of sewage from the point of origination to the Trunk Line. This shall include, but not be limited to objects, sewage, tree roots, rocks, and debris of any type.
- Operation and Maintenance means all work, materials, equipment, utilities, and other effort required to operate and maintain the Wastewater transportation and treatment system consistent with ensuring adequate treatment of Wastewater to produce an effluent in compliance with the NPDES Permit and other applicable State and Federal regulations, and includes the cost of replacement.
- Operator shall mean the Livingston County operator of the Public Sewer or the Wastewater treatment plant operator for the Genesee County District No. 3 Wastewater Treatment Plant or authorized representative.

- Owner or owners of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.
- Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents, or assignees. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- Pollutant. Any of 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 and soil.
- Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- POTW Treatment Plant. That portion of the POTW designed to provide treatment to Wastewater.
- Premises means the particular property connected or to be connected to the system and includes appurtenant land and improvements.
- Pretreatment or Treatment. 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 a 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 Section 403.6(d).
- Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW, including National Categorical Pretreatment Standards.
- Private Sewer Lines. All service lines and equipment for the disposal of sewage installed or located on any property, from the property line to, and including, any structure or facility which exists on the property.
- Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have 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 one-half (1/2) inch in any dimension.

- Property Owner. ~~The owner of the property which abuts the street, road, highway, private road, shared private drive, or easement.~~ The person, persons, corporation, company, association, LLC or other party listed as the responsible party on the current tax bill for the lot, parcel, or unit.
- Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is in this instance the Township for the sewer system and Genesee County for the treatment plant. This definition includes any sewers that convey Wastewater to the POTW treatment plant. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey Wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, Users of the Township's Public Sewer.
- Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Replacement means the replacement in whole or in part of any equipment, appurtenances and accessories in the Wastewater transportation or treatment systems to ensure continuous treatment of Wastewater in accordance with the NPDES Permit and other applicable State and Federal regulations.
- Residential Equivalent Unit (REU) means that measure of potential Wastewater discharge equal to the quantity normally generated by occupants of a residence by a single family of average size. REU factors for other types of occupancy and use shall be determined in the Table of Unit Factors passed by Resolution of the Township Board.
- Sanitary Sewage shall mean a liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses, or industrial plants.
- Sanitary Sewer shall mean a sewer which carries sewage and to which Stormwater, Surface Water, and Groundwaters are not intentionally admitted.
- Severe Property Damage. Substantial physical damage to property, damage to the User's pretreatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.
- Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such Groundwaters as may be present.

- Sewage Treatment Plant or Wastewater Treatment Plant (WWTP) shall mean any arrangement of devices and structures used for treating sewage.
- Sewage Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage at Genesee County District No. 3 Wastewater Treatment Plant.
- Sewer shall mean a pipe or conduit for carrying sewage.
- Sewer Service Charge means the sum of the applicable user charge, surcharges and debt service charges.
- Shall is mandatory; May is permissive.
- Significant Industrial User. Any Industrial User of the Township's Wastewater disposal system who (a) is subject to National Categorical Pretreatment Standards; (b) has a discharge flow of 25,000 gallons or more per average work day; or (c) has a flow greater than five (5) percent of the flow in Genesee County's District No. 3 Wastewater treatment system; or (d) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or (e) is found by the Township, Livingston County, Genesee County, Michigan Department of Environmental Quality (or equivalent agency), or the U.S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the Wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- Significant Noncompliance shall mean one or more of the following:
 - a) Chronic violation of Wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a six- (6) month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;
 - b) Technical Review Criteria (TRC) violation of Wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six- (6) month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil, and grease, and 1.2 for all other pollutants except pH).
 - c) Any other violation of a daily maximum limit or an average limit that the Genesee County Director or Livingston County Drain Commissioner determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of POTW personnel or the general public;
 - d) Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;

- e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Township or Genesee County-issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety- (90) day compliance reports, and/or reports on compliance with compliance schedules;
 - g) Failure to accurately report noncompliance; and
 - h) Any other violation, or group of violations, which the Manager or Genesee County determines as adversely affecting operation or implementation of Genesee County's pretreatment program.
- Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
 - Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
 - State. State of Michigan.
 - Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
 - Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
 - Surcharge. As part of the service charge, any customer discharging Wastewater having strength in excess of limits set forth by the Township or Genesee County shall be required to pay an additional charge to cover the cost of treatment of such excess strength Wastewater.
 - Surface Water. Water naturally open to the atmosphere such as that collecting on the ground, including but not limited to water from estuaries, lakes, ponds, reservoirs, rivers, seas, etc.
 - Suspended Solids. 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.
 - Township. The Township of Tyrone, County of Livingston, Michigan, its agents and employees.

- Township-County Contract shall mean the contract between the Township of Tyrone and the County of Livingston and all subsequent contracts.
- Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- Trunk Line. The main sewer line located under any street or within any street right-of-way or within close proximity thereof which collects and transmits the sewage of the various properties served by the sewer system.
- Uncontaminated Industrial Waste shall mean Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.
- Upset. An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards or local Pretreatment Requirements or Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- User. Any person who contributes, causes, or permits the contribution of Wastewater into the POTW.
- User Charge means a charge levied on users of a treatment works for the cost of operation and maintenance of Sewage Works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement.
- User Class means the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional, and governmental.

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

Industrial User shall mean any user who discharges "industrial wastes" as defined in this Ordinance.

Commercial User shall mean an establishment listed in the Office of the 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.

Institutional User shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township or Genesee County, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User shall mean any Federal, State, or local government user of the publicly owned treatment works.

- Wastewater. The liquid and water-carried industrial or domestic wastes from dwelling units, commercial buildings, industrial facilities, and institutions, together with any Groundwater, Surface Water, and Stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Sec. 4 Abbreviations

The following abbreviations shall have the designated meanings:

1. BOD - Biochemical Oxygen Demand
2. CFR - Code of Federal Regulations
3. COD - Chemical Oxygen Demand
4. CWA - Clean Water Act
5. l - liter
6. mg - milligrams
7. mg/l - milligrams per liter
8. MDEQ - Michigan Department of Environmental Quality
9. NDS - Normal Domestic Sewage
10. NPDES - National Pollutant Discharge Elimination System
11. O&M - Operation and Maintenance
12. P - Phosphorus

13. POTW - Publicly Owned Treatment Works
14. REU - Residential Equivalent Unit
15. SIC - Standard Industrial Classification
16. SICM - Standard Industrial Classification Manual
17. SS - Suspended Solids
18. STEP - Septic Tank Effluent Pump
19. SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
20. U.S. EPA - United States Environmental Protection Agency
21. WWTP - Genesee County District No. 3 Wastewater Treatment Plant

Sec. 5 Operation and Maintenance and Control

1. The operation and maintenance of the system shall be under the supervision and control of the Township and Livingston County subject to terms of the County-Township contract. Pursuant to the terms of such contracts, the Township has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, transmission, and debt service; the Township Board may employ such person in such capacity as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, safe and effective operation and maintenance of the system, to discharge its financial obligations, and to collect rates and charges herein provided.
2. Users of the Sanitary Sewer shall comply with the terms of this Ordinance and the Livingston County Sewer Use Ordinance. Provisions of the Township-County contract are incorporated by reference.
3. Genesee County is responsible for administering the Industrial Pretreatment Program, and establishing and collecting fees related to the program, including permit, surcharge, and inspection fees. The Genesee County Industrial Pretreatment Program and enforcement provisions contained in the Genesee County Sewer Use Ordinance shall apply to Users of the Tyrone Township sanitary sewer system. Provisions of the Livingston County-Genesee County Contract are incorporated by reference.

Sec. 6 Unsanitary Deposits, Discharge to Natural Outlets Prohibited

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in

any area under the jurisdiction of said Township, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the Applicable County Health Department.
3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless specifically permitted by the Applicable County Health Department or as hereinafter provided.
4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, is hereby required at his/her expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this article, within one hundred eighty (180) days after date of official notice to do so.
5. For those properties that do not receive letters from the Township requiring connection to an available Public Sewer, a direct connection to the Public Sewer shall be made within one hundred eighty (180) days if one of the following conditions apply:
 - a. The private sanitary sewer system fails; or
 - b. The property is sold after January 1, 2005; or
 - c. The Public Sewer line has been available for 15 years.

At the time of connection, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.

6. When the premises are not connected to an available Public Sewer within the time specified in this section, the Township shall require the connection to be made immediately after notice, which may be by first class or certified mail to the owner of the property or by posting on the property.
 - a. The notice shall give the approximate location of the Public Sewer which is available for connection and shall advise the owner of the requirements and enforcement provisions of State law and any applicable ordinance and regulation.
 - b. Where premises are not connected to an available Public Sewer within ninety (90) days after the date of mailing or posting of the written notice, the

Township shall bring an action for a mandatory injunction or order in the Livingston County Circuit Court to compel the owner to connect to the available Public Sewer immediately.

7. Unless the premises exists when this Ordinance is passed, the Township shall not issue a land use permit for construction of such structure until and unless the property on which such structure is located is being specially assessed by the Township for the sanitary system or:
 - a. The Township Board approves the connection to the system;
 - b. The property owner complies with all requirements of this Ordinance;
 - c. There is sufficient excess capacity in the system to permit the connection; and
 - d. The property owner pays in advance the connection charges approved by the Township.

Sec. 7 Process Wastewater

1. Wastewater Contribution Information

Any industry or structure discharging process flow to the Sanitary Sewer, storm sewer, or receiving stream shall file the information listed below with the Manager. Any industry which does not normally discharge to the Sanitary Sewer, storm sewer, or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below.

The Manager may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the information listed below on a disclosure form prescribed by the Township.

- a. Name, address, and location (if different from the address).
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
 - (1) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition; or
 - (2) "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition; or
 - (3) "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.

- d. Time and duration of contribution.
- e. Average daily Wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- f. Industries identified as Significant Industrial Users or those required by the Township must submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- g. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, Genesee County, Livingston County, State, or Federal Pretreatment Requirements, and a statement regarding whether or not the Pretreatment Requirements are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Requirements. New sources shall include information on any pretreatment methods they intend to use and provide estimates on discharge flow and pollutant concentrations.
- i. If additional pretreatment and/or O&M will be required to meet the Pretreatment Requirements, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Requirements;
 - (2) No increment referred to in Paragraph (1) shall exceed nine (9) months;
 - (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Manager, Livingston County, and Genesee County including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Manager and Genesee County.

- j. Each product produced by type, amount, process or processes, and rate of production.
- k. Type and amount of raw materials processed, average and maximum per day.
- l. Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- m. Any other information as may be deemed by the Township, Livingston County, or Genesee County to be necessary to evaluate the impact of the discharge on the POTW.
- n. The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.
- o. The Township, Livingston County, and Genesee County will evaluate the complete disclosure form and data furnished and may require additional information. Within ninety (90) days after full evaluation and acceptance of the data furnished, the Township, Livingston County, or Genesee County shall notify the User of the acceptance thereof.

2. Discharge Modifications

Within three (3) months after the effective date of the promulgation or revision of a National Categorical Pretreatment Standard, all affected existing Industrial Users must submit to the Township the information required by Section 7, Subparagraphs 1.h. and 1.i.

3. Discharge Conditions

Wastewater discharges shall be expressly subject to all provisions of this Ordinance, Livingston County and Genesee County's Sewer Use Ordinance, and all other applicable regulations, User Charges, and fees established by the Township, Livingston County, and Genesee County. The Township, Livingston County, or Genesee County may:

- 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 for flow regulations and equalization;
- d. Require the installation and maintenance of inspection and sampling facilities;

- e. Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- f. Establish compliance schedules;
- g. Require submission of technical reports or discharge reports;
- h. Require the maintaining, retaining, and furnishing of plant records relating to Wastewater discharge as specified by the Township, Livingston County, or Genesee County, and affording Township, Livingston County, and Genesee County access thereto, and copying thereof;
- i. Require prompt notification of the Township, Livingston County, and Genesee County in advance of 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;
- j. Require immediate notification of all discharges that could cause problems to the POTW, including slug discharges;
- k. Require other conditions as deemed appropriate by the Township, Livingston County, or Genesee County to ensure compliance with this Ordinance;
- l. 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;
- m. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes;
- n. Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements;
- o. Control through permit, order, or similar means, the contribution to the POTW by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five (5) years, require nontransferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations;
- p. Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User's intake water.

4. Baseline Reports

- a. Within one hundred eighty (180) days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Township, Livingston County, and Genesee County the information specified by 40 CFR, Section 403.12(b), Paragraphs (1)-(7).
- b. At least ninety (90) days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Township, Livingston County, and Genesee County the information specified by 40 CFR, Section 403.12(b), Paragraphs (1)-(5). New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable Pretreatment Standard, and shall give estimates of the required information regarding flow and pollutant discharge.

5. Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Manager, Livingston County, and Genesee County a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedure in 40 CFR 403.6(c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the Industrial User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User, and certified by a qualified representative.

6. Periodic Compliance Reports

- a. Any User or New Source discharging into the POTW, shall submit to Livingston County and Genesee County during the months of June and December, unless required more frequently in the Pretreatment Standard or by Livingston County or Genesee County, a report indicating the nature and

concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subparagraph 3.c. of this section. At the discretion of Livingston County and Genesee County and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., Genesee County and Livingston County may agree to alter the months during which the above reports are to be submitted.

- b. Genesee County and Livingston County may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by Subparagraph a. of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
- c. If a User, subject to reporting requirements, monitors any pollutant more frequently than required by Genesee County or Livingston County, using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.
- d. If sampling performed by a User indicated a violation, the User shall notify Genesee County and Livingston County within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis to Genesee County and Livingston County within 30 days after becoming aware of the violation, except when Genesee County or Livingston County will be performing scheduled surveillance sampling/analysis within this thirty- (30) day period.

7. Notification of Hazardous Waste Discharges

All Users shall notify the Manager, Livingston County, the POTW, the U.S. EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must provide notification of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

8. Monitoring Facilities

The Township, Livingston County, or Genesee County may require monitoring facilities to be provided and operated at the User's own expense, to allow

inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage systems. For commercial users located within strip malls, each business may be required to construct individual monitoring facilities. The monitoring facility should normally be situated on the User's premises, but the Township and Genesee County may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township, Livingston County, and Genesee County and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Township, Livingston County, or Genesee County.

9. Inspection and Sampling

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

10. Pretreatment

Industrial Users shall provide necessary Wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township, Livingston County, or Genesee County. Any facilities required to pretreat Wastewater to a level acceptable to the Township, Livingston County, or Genesee County shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the

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

The Township, Livingston County, or Genesee County shall annually publish in the major local newspaper a list of the Users which were in Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the U.S. EPA or MDEQ upon request.

11. Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township, Livingston County, and Genesee County that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the 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.

Information accepted by the Township, Livingston County, or Genesee County as confidential shall not be transmitted to any governmental agency or to the general public by the Township, Livingston County, or Genesee County until and unless a ten- (10) day notification is given to the User.

12. Signatory Requirements

All reports required by this Section shall be signed by the Authorized Representative of Industrial User and include the following certification statement:

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

If the Authorized Representative of Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Section 3, Authorized Representative of Industrial User, must be submitted to the Township, Livingston County, and Genesee County prior to or together with any reports to be signed by that representative.

Sec. 8 Private Sewage Disposal

1. Where a Public Sewer is not available under the provisions of Section 6, Paragraph 4, the Building Sewer shall be connected to an approved private sewage disposal system.
2. Before commencement of a private sewage disposal system, the owner shall first apply to the Livingston County Health Department for a soil evaluation test. The fee shall be determined by the Livingston County Health Department and shall be paid to the Livingston County Health Department. At completion of the above soil evaluation test showing positive results, the property owner shall apply for a Permit for Installation for the proposed sewage system. He shall include plans, specifications, and other information as deemed necessary by the Livingston County Health Department. At the time the application is filed, the fee determined by the Livingston County Health Department for the permit and inspection shall be paid.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of Livingston County Health Department. The Livingston County Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Livingston County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seven (7) days of the receipt of notice by the Livingston County Health Department. All persons receiving a permit for a private sewer disposal system shall provide the Township with copies of all final approved inspection reports issued by the Livingston County Health Department.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Livingston County Health Department. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or natural outlet.
5. At such time as a Public Sewer becomes available to a property served by a private sewage disposal system as provided in Section 6, Paragraphs 4 and 5, a direct connection shall be made to the Public Sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

Sec. 9 Building Sewer and Connections

1. No person, other than the Operator, Manager, Livingston County, or authorized designee shall uncover, make any connections with or opening into, use, alter, or disturb any public Building Sewer, stub, or Public Sewer or appurtenance thereof, without first obtaining a written license prepared by Tyrone Township and recorded with both the Livingston County Drain Commissioner and Building Department. The cost of the Service Connection Permit and Grinder Pump Installation License shall be stated in Tyrone Township's Fee Schedule and shall be payable at the time that the permit is issued. The Service Connection Permit and Grinder Pump Installation License may be amended from time to time by Resolution of the Township Board to reflect changes in the actual cost of performing this service. Any person who shall uncover, make any connections with or opening into, use, alter, or disturb any Building Sewer, stub, or Public Sewer or appurtenance thereof shall be licensed in compliance with Paragraph 22 of this section. No Building Sewer, stub, or Public Sewer shall be covered until after it has been inspected and approved by the Operator, Livingston County Drain Commissioner, or Building Department.
2. The owner or his agent shall complete an application or 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 Ordinance or considered pertinent in the judgment of the Township. A Hook-up (Connection) Fee, the Sewer Permit Application Fee, and any other sewer fees in an amount established by resolution of the Township Board, shall be paid to the Township

Treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit must be completed.

3. Prior to the approval and issuance of a Service Connection Permit, the applicant may be requested to have executed by the Owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to operate, maintain, repair, and replace the Service Connection installed on the premises.
4. All cost and expense incident to the installation, connection, and maintenance of the Building Sewer, and stub to the Public Sewer shall be borne by the Owner and are due in advance. All costs and expenses incident to the extension of the collection system for premises connecting to the public system after the original construction shall be borne by the Owner.
5. All liabilities incident to the installation and connection of the Building Sewer shall be borne by the property owner. The property owner shall indemnify and save 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 the private sewer lines on his property at his own expense as necessary to keep such lines free and clear of obstructions and in good working order, and to maintain and keep clear of obstructions the Lateral Lines servicing his property.
 - b. It shall be the duty of the Township or Livingston County to maintain, clean, and repair as necessary and at its expense the sewer Trunk Lines, and to repair or replace any broken or crushed Lateral Lines. The Township or Livingston County shall not be responsible for cleaning or maintenance of Lateral Lines.
 - c. In the case of a bona fide dispute as to whether needed maintenance, cleaning, or repair of a portion of sewer line is the responsibility of the property owner or the Township or Livingston County under the provisions of this Ordinance, it shall be the duty of the property owner to establish that the obstruction, disrepair, or defect has occurred in that portion of the line for which the Township or Livingston County is responsible.

If the property owner fails to establish the Township or Livingston County responsibility, it shall be the property owner's responsibility to perform the necessary maintenance as provided in this Ordinance. If the Township or Livingston County responsibility is established, the Township or Livingston County shall perform the necessary maintenance and shall reimburse the property owner for reasonable expenses incurred in locating the defect in the line or in otherwise establishing the Township's or Livingston County's responsibility.

The property owner would be responsible under this Ordinance for the total maintenance and repair of the private sewer lines on his property and for the maintenance and cleaning, although not including major repair, of the entire sewer line out to the Trunk Line.

The Township or Livingston County, on the other hand, is responsible for major repair of the Trunk Line and Lateral Lines only and has no responsibility of any sort for the private lines. The Township or Livingston County also has no responsibility to clean the Lateral Lines.

- d. Any property owner who shall violate the provisions of this Ordinance shall be liable to the Township or Livingston County for civil damage incurred in correcting the defect and, in addition, shall be guilty of a misdemeanor.

If any property owner fails to maintain a private sewer line as required by this Ordinance, in addition to the other penalties prescribed, the sewer may be declared a public nuisance by the Livingston County Health Officer and the defect may be corrected by the Township or Livingston County. Any costs so incurred shall be assessed against the property and become a lien on the property if not paid within ninety (90) days.

6. A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior (lot) and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard, or driveway, the Building Sewer from the front building may be extended to the rear building provided the two buildings are under the same ownership or an appropriate agreement, approved by the Township, and easements for the pipe are done in writing with a copy filed with the Township.
7. The Building Sewer shall be constructed of pipe or cast iron soil pipe with gasketed or solvent welded joints, Schedule 40 PVC, or as otherwise approved by the Inspector. The Township or Livingston County reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Inspector.
8. As to sewage to be treated within the Township of Tyrone by private systems, all Building Sewers shall meet or exceed all requirements of this section. As to sewage to be treated within Genesee County, all Building Sewers shall meet or exceed the requirements of the Ordinance of Genesee County or the requirements of this section, whichever shall be the most stringent.
9. The size and slope of the Building Sewer shall be subject to approval by the Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) -inch pipe shall be not less than one-quarter (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six

(6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.

10. 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 three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.
11. 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 Inspector and discharge to the Building Sewer.
12. No person shall make connection of roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or Groundwater to a Building Sewer or building drain or stub which, in turn, is connected directly or indirectly to a public sanitary sewer.
13. The connection of the Building Sewer into the stub and the Public Sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of Livingston County, or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gastight and watertight. All joints shall be approved by the Inspector or his representative. Any deviation from the prescribed procedures and materials must be approved by the Inspector, or his representative, before installation.
14. All newly constructed Building Sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the Building Sewer.
15. All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards."
16. The applicant for the connection permit shall notify Livingston County and/or the Operator when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his representative.
17. All excavating for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the Livingston County Road Commission.

18. No new connections shall be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains, and WWTP, including capacity for treatment of BOD and suspended solids.
19. Connection now or hereafter of any premises in the service area of the Sewage Disposal System as now existing or hereafter enlarged, on which are now or hereafter located a structure or structures in which sanitary sewage originates, by or through a Building Sewer, service pipe, valve, and stub shall constitute by and from all persons, firms, or corporations, public or private, having or claiming any interest of record in said premises as owner, tenant, purchaser, seller, mortgagee, lien holder, or other claimant, now owned or hereafter acquired, permission to the Township and Livingston County, and any successor or duly authorized agent thereof, to enter at all reasonable times upon said premises to install, inspect, maintain, operate, repair, replace, or otherwise deal with the Building Sewer, service pipe, valve, or stub on, under, or adjacent to said premises. Such permit shall remain and be in full force and effect so long as sewage disposal services are provided or available to said premises from the sanitary system and shall be binding upon all successors interest in said premises so long as said permit remains in effect.
20. The Operator shall prepare, execute and record in both the offices of the Livingston County Drain Commissioner and Tyrone Township of the County of Livingston an Access Permit and Service Agreement. Such Access Permit and Service Agreement may be amended from time to time by Resolution of the Township Board.
21. Any person, other than the Operator, desiring to uncover, make any connection with, or opening into, use, alter, or disturb any Public Sewer, parts thereof or appurtenances thereof, must be trained by the Operator and secure an annual license from the Township. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee as adopted by resolution by the Township Board as referenced in the Fee Schedule and execute unto the Township and deposit with the Clerk a bond or bonds in the amount(s) and form acceptable to the Township or Livingston County, along with the necessary proof of insurance, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of the Township or Livingston County pertaining to sewers and plumbing. The bond(s) shall be acceptable to the Township and Livingston County and shall state that the person will indemnify and hold harmless the Township and Livingston County and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the plumbing, sewer line connection, or excavating for plumbing or sewer line connection as prescribed in this Ordinance. Such bond(s) shall remain in force and must be executed for a period not less than eighteen (18) months from time of license,

except that, upon such expiration, it shall remain in force until all penalties, claims, and demands that may have accrued prior to such expiration have been satisfied. The license shall also provide public liability insurance for the protection of the Township or Livingston County, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of one hundred thousand dollars (\$100,000) for one (1) person, three hundred thousand dollars (\$300,000) for bodily injuries per accident, and one hundred thousand dollars (\$100,000) for property damages. The license fee and limits on the public liability insurance may be amended from time to time by Resolution of the Township Board.

The Township Board reserves the right to revoke the license of any person who, in the Township Board's sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules, and regulations pertaining to the sewer system. As a condition of securing a license, the Township Board may require that the patron applying for the license attend a training session on the proper procedures and equipment for making connections to the sewer system.

Sec. 10 Use of the Public Sewers

1. 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 of a POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements. Genesee County may 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 any POTW:

- a. Any liquids, solids, or gases, including but not limited to waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit, which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WWTP such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension; animal guts or tissues; paunch manure; bones, hair, hides, or fleshings; entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt

residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding, or polishing wastes.

- c. Any Wastewater having a pH less than six point zero (6.0) or greater than nine point five (9.5), or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- d. Any Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including 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.
- 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.
- g. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality 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 forty (40) degrees Celsius [one hundred four (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 Genesee County in compliance with applicable State or Federal regulations.
- l. Any Wastewater which causes a hazard to human life or creates a public nuisance.
- 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 WWTP.
- o. Any waste from individual sewage disposal systems; 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, Livingston County, and Genesee County, 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, Livingston County, and Genesee County. For the purpose of this subsection, "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 sanitary sewer.
- p. Any sludge, precipitate, or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of Wastewater or air pollutants.
- q. Any trucked or hauled Wastewater, except as specifically allowed by the Manager, Livingston County, and Genesee County.

2. Specific Pollutant Limitations

a. Conventional Pollutants

Except as authorized by the Manager and Genesee County, no person shall discharge Wastewater containing in excess of:

- (1) Two hundred and fifty (250) mg/l BOD.
- (2) Two hundred and fifty (250) mg/l total suspended solids.
- (3) Thirty-five (35) mg/l total Kjeldahl nitrogen.
- (4) Six (6) mg/l total phosphorus.

b. Should any other substances, either individually or in combination with other substances, interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Manager, Livingston County, or Genesee County. Should the Manager, Livingston County, and Genesee County determine that the above limits can be raised without damage to the sewer system or the WWTP exceeding the State or Federal limits, then the Manager and Genesee County may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

c. If any waters are discharged or are proposed to be discharged to the Public Sewers, which contain the substances or possess the characteristics enumerated above, and which in the judgment of the Township, Livingston

County, or Genesee County may have a deleterious effect upon the sewers, Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township, Livingston County, or Genesee County 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 using taxes or sewer charges;
- (5) Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Township, Livingston County, and Genesee County concerning the proposed flows.

If the Township, Livingston County, or Genesee County 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, Livingston County, and Genesee County and shall be subject to the requirements of all applicable codes, ordinances and laws.

3. Township's Right of Revision

The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the Sewage Works if deemed necessary to comply with the objectives presented in Section 2 of this Ordinance.

4. No User shall discharge or cause to be discharged any Stormwater, Surface Water, Groundwater, water from footing drains, or roof water to any Sanitary Sewer or sewer connection. Any premise connected to a storm sewer shall comply with County, State, and Federal requirements as well as those of the Township.

Downspouts and roof leaders shall be disconnected from Sanitary Sewers within six (6) months of the date of this Ordinance. If this is not done, the Township may perform this work and bill the User.

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 MDEQ.

5. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, 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. Each commercial user located in a strip mall may be required to install individual grease, oil, and sand interceptors.

6. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.
7. The Township, Livingston County, or Genesee County may prohibit the admission into the Public Sewers of any waters or wastes as follows:
 - a. Containing any quantity of substances having the characteristics described in Section 10, Subparagraph 1.a or 1.b; or
 - b. Having an average daily flow greater than two (2) percent of the average daily sewage flow of the WWTP, or having a rate of flow (gallons per day) greater than ten (10) percent of the average daily treatment plant flow for a period of one (1) hour or more, shall be subject to review and approval of the Manager, Livingston County, and Genesee County.

Where necessary in the opinion of the Township, Livingston County, or Genesee County, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus, and total Kjeldahl nitrogen to concentrations given in Section 10, Subparagraph 2.a, or to reduce objectionable characteristics of constituents to within the maximum limits provided for in the Livingston County or Genesee County local limits, or control the quantities and rates of discharge of such waters or wastes.

8. Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds (1) two hundred and fifty (250) parts per million of biochemical oxygen demand, or (2) two hundred and fifty (250) parts per million by weight of suspended solids, or (3) six (6) parts per million by weight of phosphorus, or (4) thirty-five (35) parts per million by weight of total Kjeldahl nitrogen, and where such wastes are permitted to be discharged to the sewer system by the Manager or Genesee County, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. The cost of taking and making the first of these samples shall be borne by the Township, Livingston County, or Genesee County. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the WWTP.

Added charges shall be determined by the Township, Livingston County, or Genesee County. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the Sewage Works.

9. When required by the Township, Livingston County, or Genesee County, the owner of any property serviced by a Building Sewer carrying industrial 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 wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township, Livingston County, and Genesee County. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
10. All measurements, tests, and analyses of the characteristics of water to which reference is made in Section 10, Paragraphs 1 and 6 shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in Section 10, Paragraph 9, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industry are further defined below:

- a. One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the Sanitary Sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the Sanitary Sewers.
- b. This industrial representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing should include specific chemical names, not manufacturer's codes. Those wastes admitted to the Sanitary Sewer are a prime concern; however, all discharges should be cataloged. An estimate of daily average flows and strengths must be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township and Genesee County.

- c. The industrial representative shall determine whether or not large process alterations will occur during the next few years; one (1) year, two (2) years, and five (5) years. Management should be consulted to determine if such alterations are scheduled and forthcoming.
- d. A drawing of the plant building(s) must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system should be included on the plant layout drawing.
- e. There must be separation of spent concentrations from the Sanitary Sewer to prevent toxic wastes from upsetting the WWTP. Supervision and operation of the pretreatment equipment for spent concentrations, as well as all toxic wastes and high-strength organic wastes to an acceptable level as detailed in this Ordinance, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the WWTP.
- f. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold one hundred fifty (150) percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and chemical storage areas.
- g. An adequate sampling vault or manhole must be provided in an accessible place for the WWTP personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township, Livingston County, and Genesee County determine necessary to protect the WWTP and receiving stream. Should the Township, Livingston County, or Genesee County desire continual flow recording and long duration, twenty-four (24) hour composite sampling, then a more complex manhole would be mandatory, complete with 110 volt AC. Samples collected could be divided between the industry and Township, Livingston County, or Genesee County for analysis if so desired by the industry. The sampling vault should be located so as to give access to Township, Livingston County, or Genesee County personnel without entering the industrial property.

- h. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and 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, Livingston County, and Genesee County that the release of such information would divulge information, processing, or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing the report, the portion of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance. The NPDES Permit, State Disposal System Permit, and/or the pretreatment programs, and Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Township, Livingston County, or Genesee County as confidential shall not be transmitted to any governmental agency or to the general public by the Township, Livingston County, or Genesee County until and unless a ten (10) day notification is given to the User.

Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ-approved drainage outlet.

Agents of the Township, Livingston County Health Department, Genesee County, MDEQ, or U.S. EPA shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the Wastewater discharge and copying applicable pretreatment records.

Sec. 11 Protection from Damage

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 a part of the municipal sewage works.

Sec. 12 Municipal Liability

The Township, Livingston County, and Genesee County shall not be responsible for interruptions of services due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the User that all connected equipment remain in good working order so as not to cause disruption of service of any sewer or WWTP equipment.

Any claim for damages as a result of an overflow or back up of the sewage disposal system shall follow the procedures and requirements as set forth in Act No. 222 of the Public Acts of 2001 for the State of Michigan.

Sec. 13 Power and Authority of Inspectors

The Manager and other duly authorized employees of the Township, Livingston County, and Genesee County acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance.

Sec. 14 Enforcement/Penalties

1. Administrative Remedies - General

The Township, Livingston County, or Genesee County may suspend Wastewater treatment services to any User when such suspension is necessary, in the opinion of the Township, Livingston County, or Genesee County, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes or may cause interference to the POTW, or causes or may cause Genesee County to violate any condition of its NPDES Permit.

The Township, Livingston County, or Genesee County may revoke, suspend, or terminate the Wastewater discharge permit of any User which (a) fails to accurately report the Wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in Wastewater constituents or characteristics; (c) refuses reasonable access to the User's premises by representatives of the Township, Livingston County, or Genesee County for the purpose of inspection or monitoring; or (d) violates the conditions of their Ordinance or any final judicial order entered with respect thereto.

2. Administrative Notices and Orders

- a. Whenever the Township, Livingston County, or Genesee County finds that a User has violated any provision of their Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement, the Manager, Livingston County, or Genesee County will issue a Notice of Violation to formally document the noncompliance. This document will specify the nature of the violation, establish a date by which the violation shall be corrected, and notify the affected User that failure to correct the violation would constitute a further violation which may result in additional enforcement action. A Notice of Violation will be sent via first-class mail or personally served on an Authorized Representative of the User.

Receipt, or non-receipt, of a Notice of Violation shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

- b. When the Township, Livingston County, or Genesee County finds that a User has violated any provision of their Ordinance, Industrial Waste Permit, or Order issued hereunder or other Pretreatment Standard or Requirement, the Manager, Livingston County, or Genesee County may issue an Administrative Order to Show Cause requiring the affected User to appear at a hearing to demonstrate why escalated enforcement action should not be pursued. This document will specify the nature of the violation, establish the time and place for the hearing, and notify the affected User that failure to comply would constitute a violation of this Ordinance which may result in additional enforcement action. An Order to Show Cause will be issued at least ten (10) days prior to the hearing and will be sent via certified mail/return receipt requested or personally served on an Authorized Representative of the User.

Receipt, or non-receipt, of an Order to Show Cause shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Show Cause or conducting of the show cause hearing shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

- c. When the Township, Livingston County or Genesee County, and an affected User agree to a violation and to the remedial solution, the Manager, Livingston County, or Genesee County may issue an Order of Consent or similar document to formally establish such agreement. This document will specify the nature of the violation and required actions, such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order of Consent will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User, and will require signatures of representatives from both the Township, Livingston County or Genesee County, and the affected User.

An Order of Consent or similar document shall have the same force and effect as other administrative orders issued by the Township, Livingston County, or Genesee County pursuant to their Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order of Consent or similar document shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Consent Order or similar document shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County or Genesee County against the affected User.

- d. When the Township, Livingston County or Genesee County, and affected User do not agree to the violation or to the remedial solution, the Manager,

Livingston County, or Genesee County may issue an Order to Achieve Compliance. This document will specify the nature of the violation and include required actions such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order to Achieve Compliance will be issued unilaterally in that terms need not be agreed to by the affected User and will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User.

An Order to Achieve Compliance shall have the same force and effect as other administrative orders issued by the Township, Livingston County or Genesee County pursuant to their Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order to Achieve Compliance shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Achieve Compliance shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County or Genesee County against the affected User.

- e. When the Township, Livingston County or Genesee County finds that a User has violated and continues to violate any provision of their Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement, the Manager, Livingston County or Genesee County, and the respective Attorney may jointly issue a Cease and Desist Order requiring the affected User to eliminate the violation within twenty-four (24) hours or face suspension of sewer service. This document will specify the nature of the violation, and require that the violation cease. If the violation has not been corrected within twenty-four (24) hours following issuance of the order, the Township, Livingston County, or Genesee County may suspend sewer service without further notice until such time as the affected User is able to demonstrate to the Township, Livingston County, or Genesee County that it can comply with the discharge requirements. A Cease and Desist Order will be personally served on an Authorized Representative of the User.

Receipt or non-receipt, of a Cease and Desist Order shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the User.

- f. Whenever the Township, Livingston County, or Genesee County finds that a User's discharge is in violation of any provision of their Ordinance or any permit issued hereunder and that the violation creates or threatens to create an emergency situation such as damage to the sanitary sewer system, pass-through, or interference to the WWTP, hazard to the Shiawassee River

(receiving water), endangerment to the public health and safety, or violation of any condition of the NPDES permit issued to Genesee County, the Manager, Livingston County or Genesee County, and respective Attorney will jointly issue an Emergency Cease and Desist Order notifying the affected User to eliminate the violating discharge immediately or face service severance via a temporary plug in its sewer connection at any time and without further warning. This document will specify the nature of the violation, and require that the violating discharge cease until such time as the affected User is able to demonstrate to the Township, Livingston County, or Genesee County that it can comply with the discharge requirements. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township, Livingston County, or Genesee County to conduct this enforcement action. An Emergency Cease and Desist Order will be personally served to an Authorized Representative of the User, or may be delivered verbally via telephone to an Authorized Representative of the User and then served personally.

Receipt, or non-receipt, of an Emergency Cease and Desist Order shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

- g. Except for emergency situations covered under Subparagraph 2.f. of this Section, whenever the Township, Livingston County, or Genesee County finds that a User's continuing violation warrants revocation of its permit or privilege to discharge into the Wastewater system, the Manager, Livingston County or Genesee County, and respective Attorney will jointly issue a Notice of Termination to warn of the impending suspension of the sewer service up to and including severance via temporary plug in the affected User's sewer connection. This document will specify the date and the time of scheduled service suspension in order to allow the affected User to either voluntarily cease the violating discharge or arrange appropriate actions such as production shut-down or alternative means of Wastewater disposal. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township, Livingston County, or Genesee County to conduct this enforcement action. A Notice of Termination will be personally served on an Authorized Representative of the User at least ten (10) days before the scheduled service suspension.

Receipt, or non-receipt, of a Notice of Termination shall in no way relieve the affected User of any and all liability associated with the violation.

Issuance of a Notice of Termination shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

- h. In addition to the sanctions, orders, liabilities, and other remedies prescribed under Subparagraphs 2.a through 2.g in this section, a User shall be liable to the Township, Livingston County, or Genesee County for any and all fines, penalties, and associated legal and other costs incurred or expended by the Township, Livingston County, or Genesee County as the result of any violation of Genesee County's NPDES permit that is attributable, in whole or in part, to the User's violation of this Ordinance or a permit issued to the User hereunder.

3. Administrative Fines

When the Township, Livingston County, or Genesee County finds that a User has violated or continues to violate any provision of their Ordinance, an Industrial Waste Permit or Order issued hereunder, or other Pretreatment Standard or Requirement, an administrative fine may be assessed against the affected User in an amount up to five hundred dollars (\$500) per violation. Each day during which the violation occurred or continues to occur may be deemed a separate violation and, in the case of a violation of monthly or other long-term average discharge limits, the fine may be assessed for each day during the period of averaging.

Receipt, or non-receipt, of an administrative fine shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

4. Rights of Appeal

Except for emergency situations covered under Subparagraph 2.f of this section, any User desiring to dispute a Notice of Violation or order of the Township, Livingston County, or Genesee County, pursuant to this Ordinance, including but not limited to fines, may present a written request for reconsideration. Such a request shall be submitted to the Township Supervisor, Livingston County, or Genesee County within ten (10) days of first being notified of the corresponding order for all but a Notice of Termination, where such a request shall be submitted within five (5) days of notification. If, in the opinion of the Township Supervisor, Livingston County, or Genesee County the request has merit, he will convene a hearing on the matter as soon as possible to collect testimony of appropriate persons, take evidence, and render a final determination. In the event the affected User's appeal is unsuccessful, any original fine will become immediately due and the Township, Livingston County, or Genesee County may also add any additional costs incurred to administer this appeal. Further appeal of the Township Supervisor's, Livingston County's, or Genesee County's final determination shall be governed by applicable State law.

Submittal of an appeal shall in no way relieve the affected User of any and all liability associated with the violation. An appeal shall not stay the corresponding order, or limit any other enforcement proceedings by the Township, Livingston County, or Genesee County against the affected User.

5. Judicial Penalties

When the Township, Livingston County, or Genesee County finds that a User has violated or continues to violate any provision of their Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement, the respective Attorney may petition the Circuit Court of Livingston County or the Circuit Court of Genesee County for appropriate legal and/or equitable relief.

a. Injunctive Relief

A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a preliminary injunction or a permanent injunction, or both as may be appropriate. This action will be sought to restrain or compel activities on the part of the affected User.

A petition for injunctive relief shall in no way relieve the affected User of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.

b. Civil Penalties

A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement, will be liable for a civil penalty of up to one thousand dollars (\$1,000) per violation. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of the averaging. The affected User will also be liable for all costs incurred by the Township, Livingston County, and Genesee County for associated enforcement action such as reasonable attorney's fees, court costs, additional sampling, and monitoring expenses, as well as costs of any environmental damage and any fines imposed upon Genesee County for NPDES permit violations that result in whole or in part from the User's violation and expenses associated with remediation of sites thereby contaminated. The respective Attorney may petition the court to impose, assess, and recover sums up to this limit of liability. In determining the appropriate amount of civil penalty to seek, the Township, Livingston County, or Genesee County may take into account all relevant

circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the affected User as a result of the violation, corrective actions implemented or proposed to be implemented by the affected User, and history of compliance or noncompliance by the affected User.

A suit for civil penalties shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.

c. Criminal Prosecution

(1) Violations - Generally

A User who has willfully or negligently violated or continues to willfully or negligently violate any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.

(2) Falsifying Information

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit, or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, other actions by the Township, Livingston County, or Genesee County against the affected User.

(3) Tampering

A User who falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit, or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.

Fines Summary

Type of Fine	Fine	Jail Time
Administrative Fines	up to \$500 per day per violation	none
Civil Penalties	up to \$1,000 per day per violation	none
Criminal Prosecution General Falsifying Information Tampering	up to \$500 per day per violation	up to 90 days

Sec. 15 Records Retention

All Users subject to this Ordinance 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 in behalf of a User in connection with its discharge. All records that pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the Township, Livingston County, or Genesee County pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 16 Records

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

In conjunction with the audit, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to ensure proportionality among user classes as required by Federal regulations.

Classification of old and new Industrial Users shall also be reviewed annually by Livingston County and Genesee County.

The Township or Livingston County will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of Public Sewers. All monies received for losses under any such insurance policies shall be solely to the replacement and restoration of the property damaged or destroyed.

Sec. 17 Rates and Charges for Sewer Service

1. The owner of all premises required by Section 6, Paragraph 4 or 5 to connect to the System shall pay a Connection Fee. The Connection Fee shall be a rate per REU established by resolution of the Township Board, which may be enacted apart from this published Ordinance as necessary.
2. In addition to the Connection Fee as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the Service Connection pursuant to Township specification on file at the Township.
3. A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Connection Fee of one Residential Equivalent Unit (REU). Premises other than a single family residential unit shall pay a Connection Fee based upon the number of units assigned to such premises by the Table of Unit Factors contained in the Tyrone Township Sanitary Sewer System Policies or subsequent revisions adopted by the Township Board.
4. Upon connection to the System, commercial and Industrial Users shall have a water meter, of the size and type approved by the Township, installed on the User's water supply line. The User shall purchase the meter through the Township. The cost of both the meter and the installation shall be paid by the

User with the installation to be made or approved by the Township. The meter shall be read on a quarterly basis by the Township.

5. For any subsequent enlargement, addition, extension, or improvement to any structure, the Township may require a review and redetermination of the REUs for that structure. Upon finding by the Township after such REU review and redetermination that additional Connection Fees are required, the Owner shall immediately pay the required additional fees.
6. Any User that disagrees with the assigned REU values contained in the Table of Unit Factors may request the opportunity to appear before the Township Board in person for the purpose of reducing the assigned REUs and presenting any argument or additional evidence. A denial of reducing the REUs assigned following such a personal appearance before the Township Board shall be final and conclusive.
7. The appropriate Connection Fee and, if applicable, Service Fee shall be paid in full at the time of the connection of the premises to the System unless the Township Board, at its sole discretion, permits a deferral of payment over a period of time and at an interest rate determined by the Township Board according to policies adopted by the Township Board.
8. An Owner may petition the Township Board to repurchase some or all of the REU's assessed against a particular parcel that the Owner decided is no longer needed, or is in excess of the number to be utilized, at the Connection Fee originally paid, or at a rate approved by the Township. It is the Township's policy to consider REU's for repurchase only under special circumstances and at the sole discretion and approval of the Township Board. Special circumstances are defined as a rezoning of a lot or parcel which affects the number of REU's needed for the development of that lot or parcel. In evaluating a request, the Township shall consider the financial ability of the Township to repurchase the REU's and the capacity of the treatment plant.
9. REU's assessed/allocated to a particular parcel shall not be sold, transferred, gifted, granted, conveyed, or otherwise attached to any other lot or parcel except with the prior approval of the Township Board.

Sec. 18 User Charge System

1. Established, Basis for Computations

Rates and charges for the use of the sewer system of the Township and treatment at the WWTP shall be based upon the methodology in the User Charge System approved by MDEQ. Revisions to the rates for total sewer service charges are to be established by Resolution of the Township Board, which may be enacted apart from the published Ordinances as necessary to ensure sufficiency of revenues in

meeting operation, maintenance, and replacement costs, as well as debt service. User charges for operation, maintenance, and replacement shall be subject to the annual review of the User Charge System. User charges shall be the same for all customers of the system regardless of geographical boundaries, except for the additional charge for grinder pump conversion for those residents currently hooked up to the STEP System. Such charges and rates shall be made against each lot, parcel of land, or premises which may have any sewer connections with the sewer system of the Township, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Such charges shall be based upon the quantity of water used thereon or therein for Commercial/Industrial Users only; charges for all other Users shall be based upon the number of REUs on each lot, parcel of land, or premises as given in the Unit Factor Table included in the Tyrone Township Sanitary Sewer System Policies or subsequent Unit Factor Table revisions adopted by resolution of the Township Board.

2. Amounts, Billings, Sewer Service Charges

The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building, or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured therein used, or in the absence thereof, on the basis of the number of REUs on each lot, parcel of land, or premises as given in the Unit Factor Table included in the Tyrone Township Sanitary Sewer System Policies or subsequent Unit Factor Table revisions adopted by resolution of the Township Board. Rates and charges shall be collected quarterly except in cases where the character of the sewage from a manufacturing or industrial plant, building, or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the Township or Genesee County may, if it deems it advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in such manner as shall be specified by the Township or Genesee County before discharging such sewage into the sewage disposal system. Rates for Commercial and Industrial Users shall be determined by gauging or metering the actual sewage entering the system or by metering the water used by them in a manner acceptable to the Township.

3. Annual Audit

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance, and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary by Resolution of the Township Board to meet system expenses and to ensure that all User Classes pay their proportionate share of operation, maintenance, and equipment replacement cost.

4. No Free Service

No free service shall be allowed for any User of the Public Sewer and POTW.

5. Billing

Billing for Wastewater service shall be the Township's responsibility. All water meters shall be read quarterly and bills rendered quarterly. Bills shall be prepared and mailed to the customer of record as closely as possible to the billing cycle. The failure to receive a bill shall not excuse a failure to pay a bill and any penalty shall accrue thereon as though such bill had been received. Bills for premises having special rates, unusual charges, or unique circumstances may be billed monthly at rates as established by action of the Township Board.

All bills shall be payable on or before the due date without discount. Payments received by the Township shall be applied for payment on any outstanding balance owed on the account prior to being applied to current charges.

6. Initial Billing

Billing shall begin based on one of the following conditions:

- a. The date that a certificate of occupancy is issued for a new structure; or
- b. The date that the connection to the Building Sewer is approved by the Inspector.

If the date occurs during the billing cycle, costs will be prorated accordingly.

7. Nonpayment

Current charges that are not paid on or before the due date, as indicated on the bill, shall be considered delinquent and shall accrue a ten (10) percent penalty on the unpaid amount. Unpaid previous balances and penalties are not subject to this penalty.

8. Collection of Delinquent Accounts

Any and all charges, such as property owner's direct charges, operation and maintenance and capital usage charges, special assessment charges, interest, penalties, and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the owner of the premises and shall become a lien against the premises until paid. Until all such charges are paid, the Township may, at the option of the Township Board, proceed with a personal action against the owner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection of said amounts that are incurred by the Township.

On the first day of September of each year, any and all balances that are past due for ninety (90) days or more, shall be certified to the next Township tax roll as a

lien for collection against the premises served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a ten (10) percent penalty on the entire amount of the lien in addition to previous charges.

Sec. 19 Intentionally Left Blank.

Sec. 20 Variances

Any person, upon written application to the Township Supervisor's Office or Livingston County within ninety (90) days after the effective date of the Ordinance, as amended, who shows, in the case of the activity being conducted or operated, that compliance with Section 10 of this Ordinance would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the Manager or Livingston County for a reasonable time, not to extend beyond two (2) years from the effective date of this Ordinance, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any variance granted by the Manager or Livingston County within six (6) months from the date of the granting of the variance, shall make reports to the Manager or Livingston County periodically as to the progress being made toward compliance with Section 10 of this Ordinance. A variance shall not be granted under the provisions of this Section where a person applying therefore is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance. The Township or Livingston County may require, as a condition to granting or any variance to a Public User, that the person seeking the variance first agree in writing to such other terms as the Township or Livingston County deems necessary.

Sec. 21 Validity, Severability, Conflict

1. The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses, or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality, or constitutionality of any other provision, word, phrase, clause, or term, and they shall continue in full force and effect.
2. 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 Ordinance, 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 Ordinance.

Sec. 22 Effective Date

This revised Ordinance shall be effective ten (10) days after publication of said Ordinance as provided by law. (*Effective April 6, 2011*)

GRINDER PUMPS

The grinder pump location on each property will be coordinated by appointment with the property owner during the construction phase. An easement within the property shall be required for the installation, operation, and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/alarm panel, and the electrical line to the grinder pump. The grinder pump easement shall be signed by the property owner before the grinder pump is installed. Tyrone Township and/or Livingston County shall prepare the grinder pump easement document and record the executed grinder pump easement at the Livingston County Register of Deeds.

Three different types of grinder pumps will be installed, as summarized below:

- Runyan Lake residents will receive replacement grinder pumps from Environmental One that are 110 volt, 15 amp rated and are to be installed with a 20 amp circuit breaker or a suitable alternative as defined by the Manager from time-to-time.
- Irish Hills residents will receive hydromatic TG-Pro Pressure Plus System grinder pumps that are two (2) horsepower or a suitable alternative as defined by the Manager from time-to-time.
- The remaining grinder pumps will be one (1) horsepower, 220 volt, and installed with a 30 amp circuit breaker or a suitable alternative as defined by the Manager from time-to-time.

A simplex grinder pump unit shall be provided to all properties with one (1) REU and to residential-use properties with two (2) REUs. A simplex grinder pump unit consists of one grinder pump with a 70 gallon holding basin. A duplex grinder pump unit shall be provided to non-residential use properties with two (2) to twelve (12) REUs and to residential properties with three (3) to twelve (12) REUs. A duplex grinder pump unit consists of two grinder pumps with a 150 gallon holding basin. All properties with thirteen (13) to twenty (20) REUs will be served by a duplex grinder pump unit with a 275 gallon holding basin.

Once installed, the lid of the grinder pump encasement will extend approximately 3 inches above the ground surface. The grinder pump encasement lid is 24 inches in diameter. No new permanent structures or other items can be placed on top of the grinder pump encasement or grinder easement.

The grinder pump shall be located at least 10 feet from a building or property line and at least 50 feet from an on-site water supply well. In situations where it is physically impractical to locate the grinder pump outside the Livingston County Health Department's (LCHD's) 50-foot isolation distance from an on-site well, the grinder pump location shall be subject to the LCHD's approval. The grinder pump shall be located within 100 feet of the exterior Consumers Energy electrical meter.

A control/alarm panel for the grinder pump shall be mounted on the side of the existing building. The control/alarm panel shall be located within sight of the grinder pump.

The red light on top of the control/alarm panel shall illuminate when a high-level condition is detected in the grinder pump holding basin. The property owner shall be directed to contact the sewer system operators to inform them that the red light is illuminated.

All installation, operation, and maintenance work for the grinder pump, sewer lead from the grinder pump to the Public Sewer, and the electrical line from the grinder pump to the Consumers Energy meter is exterior work.

For properties served by a grinder pump/low pressure sewer system, the responsibilities of the public sewer system and the property owner are as follows:

Public Sewer System/Township's/Livingston County's Responsibilities (Grinder Pumps)

1. Coordinate grinder pump location with property owner.
2. Prepare grinder pump easement.
3. Record grinder pump easement with the Livingston County register of Deeds.
4. Install, operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior Consumers Energy electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing Consumers Energy meter).
5. Install and maintain the electrical line from the property owner's exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).
6. Restoration associated with the installation of the public portion of the grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior Consumers Energy electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing Consumers Energy meter).
7. Maintain, repair, and replace (when necessary) the grinder pump and any other item of the public portion of the grinder pump sewer system within property.
8. Respond to high-level conditions (reported by property owner).
9. Provide an emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.
10. Respond to service issues reported by property owners received at the emergency phone number. The appropriate service/maintenance shall be completed as expediently as possible.
11. Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report shall be completed summarizing the sewer system's operation and maintenance activities during each month.

Property Owner's Responsibilities (Grinder Pumps)

1. Coordinate grinder pump location with Township and/or Livingston County representative.
2. Sign the grinder pump easement.
3. Contract, hire, and pay contractor to install sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner shall be responsible for the restoration associated with installing the sewer lead from the building to the grinder pump.
4. Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). The property owner shall be directed to immediately call **517-546-0040** to inform the system operators of the red light condition.
5. Notify the public sewer system operators of power outages (lack of power to grinder pump).
6. Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump shall be included in the electric bill for each property served by a grinder pump. The typical electrical costs associated with a grinder pump serving a residential single family house is \$2.00 to \$3.00 per month, assuming a \$0.10 per KWH.

GRINDER PUMP OPERATION DURING POWER OUTAGES

When electrical service is disrupted to properties (such as area power outages), the grinder pumps will not have power and will not operate. Once power is restored to the property, the grinder pump will automatically start operating with no need to reset the grinder pump. Caution should be exercised because without power, the grinder pump does not operate and may result in sewage backup if more water/waste is allowed into the sewer system during the power outage than the on-site storage tank or main sewer line from the house to the grinder pump has capacity to hold.

Property owners shall be directed to not use portable generators to operate the grinder pumps during periods of power outage for the following reasons:

1. Improperly connecting a generator to a residential electrical system can endanger the lives of power company repair crews working to restore electricity by energizing lines the workers believe have been disconnected.
2. Some of the grinder pumps are designed to operate at 220 volts. Connecting a 110 volt power supply will result in permanent damage to the pump motor. The replacement cost of a grinder pump damaged by a property owner connecting a portable generator to the grinder pump shall be the sole responsibility of the property owner. This includes both the 110 volt and 220 volt rated grinder pump units.

As stated previously, property owners should limit the amount of Wastewater generated during power outages, as the grinder pumps will not operate. Water/sewage use during power outages for properties served by a grinder pump could cause sewage backups within the premises.

RESIDENTIAL EQUIVALENT USER TABLE

All residential property shall be charged at a rate of one (1) Residential Equivalent Unit (REU) per single family dwelling unit. Multiple family dwelling units shall be charged at a rate of one (1) REU per family dwelling unit, regardless of configuration.

USER	UNIT FACTOR
Single Family Residence, one dwelling unit per lot, parcel, or unit	1.00
Apartment	1.00 per dwelling unit within the apartment building
Condominium, site or otherwise	1.00 per dwelling unit

NONRESIDENTIAL EQUIVALENT USER TABLE

The following equivalent user factors will be used to assess tap-in fees. For purposes of this table, an equivalent user is defined as that quantity of Wastewater discharged from an ordinary single family dwelling. The volume of Wastewater generated by an equivalent user is defined in each sanitary sewer district. In computing charges for commercial, industrial, or multiple residences, the number of units for which charges are made shall be determined from the following equivalent user factors. Where square footage is used in the calculation of equivalent users, it shall mean the entire square footage inside the building. When the use of a building changes substantially the number of equivalent users for the new use, a supplemental tap-in fee will be assessed for the increased use.

USER	UNIT FACTOR
Auto Dealers	0.40 per 1,000 sq. ft.
Auto Repair/Collision – Body Shop	1.00 per shop plus 0.5 per 1,000 sq. ft.
Banks	0.25 per employee station
Barber Shops	1.00 per shop plus 0.1 per chair after 2
Bars	4.00 per 1,000 sq. ft.
Beauty Shops	1.00 per shop plus 0.15 per booth
Bed & Breakfast Establishments	1.0 per building plus 0.2 per guest room
Boarding Houses	1.00 per building plus 0.2 per bedroom
Boarding Schools	0.27 per bed
Bowling Alleys (w/o bars or lunch)	0.16 per alley
Bowling Alleys (with bar and/or lunch)	0.60 per alley

USER	UNIT FACTOR	
Car Wash (production line w/o recycle)	10.00	per single production line
Car Wash (production line with recycle)	5.00	per single production line
Car Wash (self service)	1.25	per stall
Child Care Centers	1.00	per premise plus 0.05 per person
Churches	0.25	per 1,000 sq. ft.(minimum 1.0 unit)
Cleaners (pick-up only)	1.00	per shop
Cleaners (pressing facilities)	1.25	per press
Clinics	0.50	per doctor (minimum 1.0 unit)
Convalescent Homes	1.00	per premise plus 0.5 per bedroom
Convents	1.0	per premise plus 0.25 per bedroom
Country Clubs & Athletic Clubs	1.50	per 1,000 sq. ft.
Doctor's Office	1.0	per premise plus 0.5 per exam room
Drug Stores	0.40	per 1,000 sq. ft. (minimum 1.0 unit)
Factories (exclusive of industrial flow)	0.50	per 1,000 sq. ft.
Fire Stations	0.20	per stationed firefighter/ 24 hours
Fire Stations (Volunteer)	1.00	per premise
Florist	1.10	per 1,000 sq. ft.
Fraternal Organizations (members only)	1.00	per hall
Fraternal Organizations (members/rentals)	2.00	per hall plus bar, restaurant, etc.
Funeral Homes	1.50	per 1,000 sq. ft. plus residence
Garden Center (nursery)	1.0	per premise plus 0.5 per employee
Government Office	0.40	per 1,000 sq. ft.
Grocery Stores & Markets	1.10	per 1,000 sq. ft.
Hospitals	1.09	per bed
Hotels & Motels (private baths)	0.25	per bedroom plus bar, restaurant, etc.
Industrial Buildings (exclusive of wet process)	0.50	per 1,000 sq. ft.
Laundry (self service)	0.54	per washer
Lumber Yard	1.00	per each 15 employees
Mobile Homes	1.00	per pad
Multiple Family Residence	1.00	per dwelling unit
Office Building	0.40	per 1,000 sq. ft.
Pet Shops	1.10	per 1,000 sq. ft.
Pool Halls	0.10	per table
Post Office	1.00	per 1,000 sq. ft.
Printing Shop	0.50	per 1,000 sq. ft.
Public Institutions (other than hospitals)	0.75	per 1,000 sq. ft.

USER	UNIT FACTOR	
Research & Testing Laboratories	0.75	per 1,000 sq. ft.
Restaurants (fast food)	10.00	per restaurant
Restaurants (with liquor license)	4.00	per 1,000 sq. ft.
Restaurants (meals w/service & dishes)	2.50	per 1,000 sq. ft.
Restaurants (take out)	1.50	per 1,000 sq. ft.
Retail Stores	0.15	per 1,000 sq. ft.
Rooming Houses (no meals)	0.25	per room
Schools (w/o showers and/or pool)	1.00	per classroom
Schools (with showers and/or pool)	1.50	per classroom
Senior Citizen Apartments	0.33	per apartment unit
Service Station – Gas Service	0.50	per pump
Service Station – with auto repair	1.00	per premise plus 0.15 per stall
Service Station – with mini mart		per premise plus 0.5 per 1,000 sq. ft. of building
Skating Rinks	0.40	per 1,000 sq. ft.
Snack Bar (drive-in)	2.50	per 1,000 sq. ft.
Swimming Pools	3.00	per 1,000 sq. ft.
Single Family Residence	1.00	per residence
Sport Centers	0.05	per employee
Stores (other than specifically listed)	0.25	per 1,000 sq. ft.
Tennis Clubs	0.08	per member
Tennis or Handball (indoor club)	0.50	per court
Theaters (drive-in)	0.03	per car space
Theaters	0.01	per seat
Tourist Courts (individual bath units)	0.27	per cubicle
Trailer Parks (central bath units)	0.40	per trailer
Veterinary Facility	2.00	per veterinarian
Veterinary Facility with kennel	1.50	per facility plus 0.1 per kennel
Warehouse & Storage	0.10	per 1,000 sq. ft.

Where building size and number of employees are both known, the equivalent water factors shall be based on the highest projected flow factor.

Classifications not specifically listed shall be assigned values as determined by the Township, but no facility shall be assigned less than one unit.

Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.

In cases of expansion or change of existing water/sewer uses, connection fees shall be levied in accordance with the current connection fee schedule based upon the difference in the current and expanded or changed use.

In cases where an application for water and/or sewer service has been made for property which is contiguous to an existing water and/or sewer special assessment district such water and or sewer service may be granted ***only after the following fees have been paid:***

1. All Connection Fees.
2. An up-front lump-sum capital charge equivalent to the pro-rata share of what would have been the property's assessment costs if the property were in the district, for the remaining term of the assessment. The capital charge will be placed in the debt service fund for future debt service payments on the special assessment. The properties in the SAD (Special Assessment District) will have their remaining assessments reduced by their pro-rata share of the capital share.