

City of Port Huron, Michigan
ORD #24-006

An ordinance to amend Chapter 48, Utilities, of the Port Huron Code of Ordinances for the purpose of updating the chapter and adding Article V, Storm Sewer Service.

THE CITY OF PORT HURON ORDAINS:

That Chapter 48, Utilities, of the Port Huron Code of Ordinances is hereby amended for the purpose of updating the chapter and adding Article V, Storm Sewer Service.

CHAPTER 48. UTILITIES
ARTICLE I. In General

Sec. 48-1. Definitions.

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

ACCOUNT HOLDER - A property owner, or tenant of a registered rental, who is named on the water and/or sewer account for the premises receiving water and/or sewer service.

The ACT – The Federal Water Pollution Control Act, as amended by the Clean Water Act, and the Water Quality Act of 1987, 33 U.S.C. § 1251 et seq.

ACTIVE ACCOUNT - That water and/or sewer account in which the service connection serving the premises is turned on and receiving readiness-to-serve charge(s).

ALTERNATIVE DISCHARGE LIMIT - A limit set by the City in lieu of the promulgated national categorical pretreatment standards for integrated facilities in accordance with the combined waste stream formula, as set by the U.S. Environmental Protection Agency (EPA).

APPLICANT - A property owner or agent of a property owner filing an application to seek a permit or site plan approval for development or redevelopment.

BACKFLOW - Water of questionable quality, wastes, or other contaminants entering the City water system due to a reversal of flow.

BEST MANAGEMENT PRACTICES (BMP's) - Activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical Pretreatment Standards and effluent limits.]

BOD - Biochemical oxygen demand or the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BYPASS - The intentional diversion of wastewater or other wastes from any portion of a nondomestic user's treatment facility.

CATEGORICAL STANDARDS - National categorical pretreatment standards or pretreatment standards.

CITY WATER DISTRIBUTION SYSTEM - All water mains, water connections, meters, hydrants and appurtenances connected with or served by the City water system, whether lying within or outside the corporate City limits.

CITY WATER SYSTEM - All facilities for pumping, treating, storage and distributing water.

CLEAN WATER ACT (CWA) - means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

COMBINED WASTE STREAM - The wastewater or other wastes from industrial facilities where regulated process effluent is mixed with other wastewaters, either regulated or unregulated, prior to treatment at the POTW.

COMMERCIAL WASTES - The liquid or waterborne wastes from commercial establishments engaged in buying, selling or exchanging goods or services.

COMMODITY - That charge to recover a portion of the cost of providing water and/or sewer system capacity and any variable cost in providing water and/or sewer service.

CONSTRUCTION ACTIVITY - A human-made activity including, but not limited to, clearing, grading, excavating, construction and paving, that results in a change in the existing cover or topography of land, including any external demolition, modification, or alteration of a development site or the footprint of a building, but does not include re-surfacing of an asphalt, concrete, or similar material on a property that does not expose the subgrade.

COOLING WATER - The water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.

CROSS-CONNECTION - Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, and includes any arrangement of plumbing, fixtures, piping or pumping equipment that may cause reduced pressure and expose the potable water system to contamination from any source.

DEMOLITION - The razing or destruction , in whole or in part, of an existing structure, or the removal of existing impervious surfaces.

DEPARTMENT - The Department of Public Works, Utilities Division, of the City.

DETENTION - The temporary storage of storm runoff in a stormwater management practice with the goal of controlling peak discharge rates and providing gravity settling of pollutants.

DEVELOPMENT - Any activity, installation, construction, erection of structure(s), filling, grading, paving, excavating, or disturbance of earth on a site that requires, pursuant to State law or local ordinance, approval of a site plan, site condominium, special land use, planned unit development, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for the purposes of this Chapter only, developed or development shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one (1) acre.

DEVELOPER - A person who undertakes land disturbance or regulated construction activities.

DEVELOPMENT SITE - The property on which a regulated construction activity will occur or is occurring.

DIRECTOR - The Public Works Director, under the direction of the City Manager, or the Director's authorized deputy, agent or representative. The Director shall promulgate public works regulations for the Department to assure the efficient and safe operation of the water, wastewater and stormwater systems.

DWELLING UNIT - One or more rooms including a kitchen and bathroom facility designed as a unit for occupancy for the purpose of cooking, living and sleeping.

EFFLUENT - That which flows out from a point source.

ENFORCEMENT RESPONSE PLAN OR ERP - A plan which details the procedures indicating how instances of noncompliance will be addressed.

ENGINEERED PLAN - A sealed drawing or plan and accompanying text prepared by a registered engineer or landscape architect which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this chapter are met.

ENVIRONMENTAL PROTECTION AGENCY OR EPA - The United States Environmental Protection Agency.

EROSION - The wearing away of land surface by running water, wind, ice, or other geological agents.

GARBAGE - The waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce and food.

HAZARDOUS WASTE - A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious character, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.
- (3) Waste determined to be Hazardous Waste by the EPA

HOLDING TANK WASTE - Any waste from holding tanks found in vessels, chemical toilets, campers, trailers, or from septic tanks and vacuum-pump tank trucks.

HOTSPOT - means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

ILLICIT CONNECTION - means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

ILLICIT STORM SEWER DISCHARGE - means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

IMPERVIOUS SURFACE - Any surface area that prevents or substantially impedes the entry of water into the soil in the manner that such water entered the soil prior to development, or which causes water to run off the surface in greater quantities or at an increased rate of flow, including, but not limited to roofs, streets, parking lots, compacted gravel or soils, driveways, sidewalks, ponds, and storage areas.

INACTIVE ACCOUNT - That water and/or sewer account in which the service connection serving the premises is turned off and not receiving readiness-to-serve charge(s).

INDUSTRIAL USER - Source of pollutants to the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

INDUSTRIAL STORMWATER PERMIT - A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INDUSTRIAL USER PERMIT - A control document issued by the Director to a significant industrial user for the purpose of setting forth limits and conditions for the discharge of wastewater to the POTW under its approved industrial pretreatment program.

INDUSTRIAL WASTE - A solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process.

INFILTRATION - The process of percolating stormwater into the subsoil.

INFLUENT - That which flows in; inflow.

INTERFERENCE - A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (ii) therefore, is a cause of a violation of any requirement of the POTW's

NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with applicable federal, state and local regulations.

MAILING - Delivering by U.S. mail or electronic mail (email).

mg/l – Milligrams per liter.

METER - The equipment used to measure water consumption. This equipment includes, but is not limited to, a meter body, register, wiring and endpoint.

MUNICIPAL SEPARATE STORM SEWER OR MS4 - An MS4 is a conveyance or system of conveyances that is:

- (1) Owned by a state, city, town, village, or other public entity that discharges to waters of the United States;
- (2) Designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches);
- (3) Not a combined sewer; and
- (4) Not part of a sewage treatment plant, or publicly owned treatment works (POTW).

NATIONAL CATEGORICAL PRETREATMENT STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307b and c of the Act which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - A permit issued pursuant to Section 402 of the Act.

NEW SOURCE - Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
- (2) The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. This definition, found in 40 CFR 403.3(m)(1), is hereby incorporated and made a part of this article.

NONDOMESTIC USER - Any contributor to a POTW which is not a domestic user.

NONPOINT SOURCE POLLUTION - means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NORMAL DOMESTIC STRENGTH SEWAGE - Sewage characterized by biochemical oxygen demand (BOD) not exceeding 300 mg/l and suspended solids not exceeding 350 mg/l.

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) - A classification pursuant to the NAICS Manual issued by the Executive Office of the President, Office of Management and Budget 2022 , or latest edition.

OPERATION AND MAINTENANCE COST - The cost of all labor, materials, equipment, utilities, administration and other expenses required to operate and maintain the POTW consistent with adequate treatment of wastewater to produce an effluent and residuals in compliance with the NPDES permit and other state and federal regulations. The cost of all labor, materials, equipment, utilities, administration and other expenses required to operate and maintain a public water supply in compliance with the Safe Water Drinking Act and other state and federal regulations.

PART 91, SOIL EROSION AND SEDIMENT CONTROL, of the Natural Resources and Environmental Protection Act (NREPA) - means *Part 91* of *Act No. 451* of the *Public Acts* of 1994, as amended, being Section 324.9101 to Section 324.9123 of the Michigan Compiled *Laws which* provides for the control of soil erosion and protects adjacent properties and the waters of the state from sedimentation. A permit is generally required for any earth change activity which disturbs one or more acres of land or which is within 500 feet of a lake or stream.

PASS THROUGH - A discharge of pollutants through the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON - An individual, group of individuals, trust or any legal entity.

PER- AND POLYFLUOROALKYL AND PFAS - A large group of manmade chemicals that are resistant to heat, water, and oil.

PERFLUOROCTANE SULFONIC ACID AND PFOS - One of a group of related chemicals known as perfluorinated alkylated substances (generally referred to as PFAS) or PFOS.

pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT - Any various chemicals, substances or 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 quality of the environment.

POLLUTION - The release of any pollutant into the environment from a point source that can or does result in the degradation or impairment of the chemical, physical, biological, or radiological integrity of the environment.

POLYCHLORINATED BIPHENYLS OR PCB - A group of man-made organic chemicals consisting of carbon, hydrogen, and chlorine atoms.

POST CONSTRUCTION STORMWATER MANAGEMENT PLAN - A document that identifies all actions to be taken by an applicant related to a construction activity or development and that details how an applicant will comply with the requirements and standards set forth in this Chapter.

PREMISES – Any lot or parcel of land, building, structure, facility, institution or installation having any connection to the public water distribution system or sewer collection system.

PRETREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or their properties in wastewater or stormwater runoff to a less harmful state prior to discharging or introducing such pollutants into a POTW or MS4. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6d.

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment.

PRETREATMENT STANDARDS - National categorical pretreatment standards; alternative discharge limits; or other federal, state or local standards, including the prohibited deposits contained in § 48-87 and in article V of this chapter, whichever are applicable.

PRIORITY POLLUTANT - A toxic compound identified by EPA that can reasonably be expected in the discharges from industries.

PRIVATE SEWER LEAD (PSL) - The pipe extending from a premises to the public sewer or other place of discharge or disposal.

PUBLIC SANITARY SEWER - An underground pipe or tunnel system that is controlled by the city and intended to receive and transport sewage to a POTW and in which stormwaters, surface waters and groundwaters are not intentionally admitted.

PUBLIC STORM SEWER - Any drainage system that is controlled by the City which is intended expressly for the conveyance of stormwater and uncontaminated wastes. Drainage systems may consist of natural or artificial streams, channels, vegetated swales, open ditches, closed conduits, or a combination of methods to convey stormwater.

PUBLICLY OWNED TREATMENT WORKS (POTW) - The treatment works, as defined by Section 212 of the Act, which is owned by the City. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the POTW treatment facility. The term also means the City and the agents of the City charged with such administration, and its legal authority to administer its systems and programs.

READINESS-TO-SERVE - That charge to recover a portion of the cost of providing water and/or sewer system capacity that is on standby to provide service and operational flexibility.

REDEVELOPMENT - Any change to a previously existing improved property that requires, pursuant to State law or local ordinance, approval of a site plan, site condominium, special land use, planned unit development, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures, including but not limited to, the demolition or construction of structures, installation, filling, grading, paving, or excavating, or disturbance of earth on a site, but excluding ordinary maintenance activities, remodeling of building on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution ;

provided, however, that for the purposes of this Chapter only, redevelopment shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one (1) acre.

REPLACEMENT COST - The cost of replacement in whole or in part of any equipment or facilities of the POTW to ensure continued treatment of wastewater to produce an effluent and residuals in compliance with the NPDES permit and other state and federal regulations.

SANITARY COLLECTION SYSTEM - All of the public sanitary sewers, lift stations, pumps, and other equipment of the City and of a municipality which has a contract or agreement with the City for discharge to the publicly owned treatment works (POTW) which are primarily installed to receive wastewater and pollutants directly from users for transmission to the POTW.

SANITARY DISCHARGE - The introduction of liquid or waterborne waste or pollutants into the POTW which is either intentional or unintentional.

SANITARY SEWER - A pipe or conduit intended to receive sewage but to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

SECONDARY WATER SUPPLY - A water supply system maintained in addition to a municipal-type public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.) or water from a water supply which in any way has been treated, processed, or exposed to any possible contaminant or stored in other than an approved storage facility.

SEDIMENT - Mineral or organic particulate matter that has been removed from its site of origin by the process of soil erosion, is in suspension in water, or is being transported.

SERVICE CONNECTION - A connection serving a single user consisting of one water connection, necessary piping, one curbstop and one meter.

SEWAGE - Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters, stormwaters or other waters as may be present.

SIGNIFICANT INDUSTRIAL USER –

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N (40 CFR 400 et seq.); and
- (2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, noncontact cooling water and boiler blowdown wastewater; contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

SIGNIFICANT NONCOMPLIANCE – An industrial user which meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken for each pollutant parameter during a six-month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
- (2) Technical review criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW employees or the general public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an order, permit or other local control mechanism or enforcement order for starting construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE - Any solid, semisolid, or liquid residual generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility.

SLUG - Any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which may or may not interfere or pass through the POTW.

SLUG CONTROL PLAN - A plan required of any nondomestic user by the Director when determined to be necessary by the Director and will include procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, and/or measures and equipment for emergency response.

SOIL EROSION AND SEDIMENT CONTROL PLAN - A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction or development activities

SPILL - The sudden loss of a liquid or solid pollutant from a containment vessel or containment area or process or piping system or transportation vehicle.

STATE OF MICHIGAN - The Department of Environment, Great Lakes, and Energy (EGLE) through which Departments, Divisions and Offices enforce compliance through the administration and enforcement of regulations, laws, rules, policies and procedures.

STOP WORK ORDER - means an order issued by the City or an agency with legal authority over any aspect of construction which requires that all construction activity on a site be stopped.

STORM SEWER - A natural or artificial pathway, pipe or conduit, expressly intended to convey stormwater and uncontaminated wastes.

STORMWATER - Water which reaches the sewers consisting of precipitation runoff, snowmelt or as groundwater infiltration. When not identified as a significant contributor of pollutants, *stormwater* also includes the following discharges or flows:

- (1) Discharges from potable water sources;
- (2) Landscape and lawn irrigation runoff;
- (3) Uncontaminated groundwater;
- (4) Discharges from footing drains and sump pumps;
- (5) Air conditioning condensations;
- (6) Discharges from noncommercial car washing;
- (7) Industrial cooling water or unpolluted process water;
- (8) De-chlorinated swimming pool water from single, two, or three family residences;
- (9) Street wash water;
- (10) Fire-fighting activities; or
- (11) Other as permitted by the State of Michigan or an NPDES permit.

STORMWATER MANAGEMENT PROGRAM (SWMP) - A program that covers the area served by, or otherwise contributing to discharges from, the MS4 owned or operated by the City to be implemented to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., as amended; the "Federal Act").

STORMWATER RUNOFF - That part of the precipitation which flows over a surface or land.

TOTAL SUSPENDED SOLIDS (TSS) - Those solids which are retained by a glass fiber filter and dried to a constant weight at 103° C. to 105° C.

TOXIC POLLUTANT - Any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other federal statutes or in regulations promulgated by the State of Michigan.

UNAUTHORIZED SANITARY SEWER DISCHARGE - The introduction of pollutants into the POTW which is either intentional or unintentional.

UNCONTAMINATED INDUSTRIAL WASTES - Wastewater or other wastes 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 had been added.

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

USER - Any person having a water service connection who receives any type of water or sewer service, including a person who contributes, causes or permits the contribution of wastewater or other wastes into the POTW or stormwater to an MS4.

WASTEWATER - Any liquid or waterborne waste generated by residences, business activities, institutions, laboratories and industrial establishments, together with stormwater and groundwater as may be present. Wastewater includes sewage.

WASTEWATER TREATMENT PLANT OR WWTP - Any arrangement of devices and structures or facilities used for treating sewage and operated under a current NPDES permit.

WATER CONNECTION - That part of the City water distribution system at the point where the service connection joins the water main for the premises being served. Also known as a "corporation stop."

WATER MAIN - That part of the City water distribution system located within easement lines or streets designed to supply more than one water connection.

WATERCOURSE - An open, natural channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE - The Great Lakes and their connecting waters, inland lakes and streams as defined in rules promulgated by the State of Michigan, and wetlands regulated under Part 303 of Michigan's Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended.

WETLANDS - As defined by Michigan's wetland statute, Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA451, as amended.

Sec. 48-2. Additional definitions.

The words, terms and phrases described in § 48-81 are hereby incorporated into this section by reference for use throughout the entire chapter.

Sec. 48-3. through Sec. 48-30. (Reserved)

**Article II
Water System**

Sec. 48-31 through 48-80.

No changes.

Article III Sewer Service

Sec. 48-81. Purpose and scope of article.

- (a) Purpose. For the purpose of protecting the public health and safety, the City Council hereby establishes standards and regulations for the use of public sanitary sewers, private sewers, the installation and connection of private sewer leads and the discharge of wastewater or other wastes into the POTW of the City, which standards and regulations are set out in this article and which are deemed to be the absolute minimum consistent with the preservation of the public health and safety and to fulfill the obligations of the City with respect to the state and federal law and all rules and regulations adopted pursuant thereto.
- (b) Scope. This article shall apply to the City and to any user discharging or proposing to discharge wastewater or other wastes to the POTW, either by permit or agreement, or otherwise discharge under this article. Another municipality that discharges into the POTW shall adopt an ordinance which is substantially equivalent to and shall contain at least all of the sections and requirements in this article and which is approved by the Director and State of Michigan as being sufficiently identical.

This article provides for the regulation of discharges into the POTW through the issuance of permits to significant industrial users and through enforcement of this article's requirements against all dischargers into the POTW. This article authorizes monitoring and enforcement activities and requires discharger reporting.

Sec. 48-82. Management of the POTW.

The complete POTW of the City shall be and remain under the management, supervision and control of the City Manager, who may employ or designate such persons in such capacity as he or she deems advisable to carry out the efficient management and operation of the POTW. The City Manager may make such rules, orders or regulations as he or she deems advisable and necessary to ensure the efficient management and operation of the POTW, subject, however, to the rights, powers and duties in respect thereto which are reserved by law to the City Council.

Sec. 48-83. Required sewer and drainage connections.

- (a) The user of any premises situated within the City upon which is located a structure in which water is used or is available for household, commercial, industrial or other purposes shall, at the user's own expense, cause such premises to be connected to an available public sanitary sewer, as where required under the terms of Part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.). Such user shall also be required to install suitable toilet facilities within such structure.
- (b) The user of any premises situated within the City may be prohibited from connecting the premises to a sanitary sewer, storm sewer, or other wastewater facility when it is determined by the Director that there is no capacity available to properly convey or treat the discharge.
- (c) A user operating an existing nondomestic premises where a public storm sewer or natural or artificial watercourse is available or becomes available in the future and is within 100 feet of the user's property line shall be required, at the user's expense, to install a connection to convey all cooling water and uncontaminated nondomestic wastes to such public storm sewer or natural or artificial watercourse within the time set by the Director, upon a determination by the Director that such a connection is feasible. Upon making a determination that such a connection is feasible, the Director shall set a reasonable time limit within which the user is required to make

the connection, which time limit shall not be less than 90 days nor more than two years from the time of written notice from the Director to the user to make such connection.

- (d) The connection to an available public sanitary sewer, as well as a connection to a public storm sewer or a conduit to a natural or artificial watercourse for the transport of stormwater or noncontact cooling water, shall be considered a private sewer lead. The maintenance, operation, and replacement of such private sewer leads, including that portion within the City right-of-way and/or under a City street, shall be the responsibility of the owner from the connection point at the sewer tap to the premises being served.

Sec. 48-84. Connection of PSL to private sewage disposal system.

Where a public sanitary sewer is not available under § 48-83, the private sewer lead may be connected to a private sewage disposal system once approved by the Director.

Sec. 48-85. Prohibited deposits in POTW.

Except as otherwise specifically provided, no user shall discharge or cause to be discharged any of the following described matter, material, wastewater or other wastes into the POTW:

- (1) Any liquid or vapor or any pollutants which create a fire or explosion hazard in the POTW, including but not limited to liquids, solids, or other waste streams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
- (2) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- (3) Any wastewater or other wastes which may contain more than 50 mg/l of animal or vegetable fat, oil, or grease.
- (4) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gas which could create a fire or explosion hazard in the POTW.
- (5) Any grease, oil or other substance that will become solid or viscous at temperatures between 32° and 140° F.
- (6) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, whether or not the obstruction results in interference.
- (7) Any garbage that has not been properly shredded.
- (8) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 6.0 or higher than 11.0, or other properties capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
- (9) Any waste flow or batch discharge containing concentrations of the following, in excess of:
 - 1.86 mg/l of Zinc as Zn
 - 3.98 mg/l of total Chromium as Cr
 - 0.56 mg/l of Silver as Ag
 - 3.2 mg/l of Copper as Cu
 - 0.43 mg/l of Cadmium as Cd
 - ≤0.0002 mg/l or non-detect (ND) of Mercury as Hg (nondetectable using EPA method 245.1)

 - 0.00013 mg/l of Perfluorooctanesulfonic acid as PFOS

- (10) Any pollutant, including but not limited to oxygen demanding pollutants (BOD, etc.), phosphorous, ammonia, nitrates, sugars or other nutrients in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass-through or other adverse effect to the POTW.
- (11) Any paints, oils, lacquers, thinners or solvents, including any waste containing a toxic or deleterious substance, in sufficient quantity to impair the equipment and/or treatment process of the POTW or constitute a hazard to employees working on the POTW.
- (12) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute health and safety problems or a public nuisance.
- (13) Any wastewater or other wastes containing TSS of such character and quantity that unusual attention or expense is required to handle such materials in the POTW.
- (14) Any waste containing any insoluble substance that will not pass one-fourth-inch mesh screen.
- (15) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- (16) Waste from any private sewage disposal system.
- (17) Any sludge, precipitate or congealed substance resulting from an industrial or commercial process or resulting from the pretreatment of wastewater or air pollutants.
- (18) Any waste defined as a hazardous waste or otherwise designated as a hazardous waste under the rules, definitions and terms of Part 111 of Public Act No. 451 of 1994 (MCL 324.11101 et seq.), known as the Hazardous Waste Management Act, without prior written approval of the Director.
- (19) Any trucked or hauled pollutants, except at discharge points designated by the Director.
- (20) Heat in amounts of which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the influent at the POTW treatment plant exceeds 40° C. (104° F.) unless the State of Michigan, upon request of the POTW, approves alternate temperature limits.
- (21) Any PCB in detectable quantities using approved EPA methods as described or otherwise contained in 40 CFR 136.
- (22) Any wastewater or other wastes having a five-day BOD greater than 3,120 mg/l.
- (23) Any wastewater or other wastes containing more than 2,977 mg/l of total suspended solids.
- (24) Any wastewater or other wastes containing a total phosphorus content in excess of 100 mg/l.

Sec. 48-86. Approval of certain wastes; surcharge for excessive strength sewage.

- (a) Approval of certain wastes prior to discharge to a public sanitary sewer shall be subject to the review and approval of the Director. Such approval shall be required for the admission into the POTW of any wastewater or other wastes:
 - (1) Having an average daily flow greater than 2% of the average daily flow of the POTW;
 - (2) From surface water, groundwater, or leachate collection associated with land filling operations;
 - (3) From any operation associated with the collection or pumpage or treatment of groundwater;
 - (4) From the collection or pumpage or treatment of impounded surface waters; or
 - (5) From holding tanks or trucked wastes.
- (b) Sewage having excessive strength above the surcharge threshold, as follows, shall be subject to a surcharge for such excessive strength on a per pound basis:

Parameter	Surcharge Threshold (mg/l)
BOD	300
Total suspended solids	350
Total phosphorus	13
Ammonia nitrogen	50

Sec. 48-87. Pretreatment of certain wastes.

(a) Where necessary under this article, in the opinion of the Director:

- (1) The user shall provide, at his or her expense, such pretreatment as may be necessary to reduce the BOD to 3,120 mg/l and TSS to 2,977 mg/l, to control toxic or deleterious substances, and to control the quantities and rates of discharge of such waters or wastes.
- (2) The Director shall have the authority to:
 - a. Deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by nondomestic users.
 - b. Require compliance with applicable pretreatment standards and requirements by nondomestic users.
 - c. Control, through permit order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements.
 - d. Require:
 1. The development of a compliance schedule by each nondomestic user for the installation of technology required to meet applicable pretreatment standards and requirements; and
 2. The submission of all notices and self-monitoring reports from nondomestic users as are necessary to assess and ensure compliance by nondomestic users with pretreatment standards and requirements, including but not limited to the reports required in 40 CFR 403.12.
 - e. Carry out all inspection, sampling, and procedures necessary to determine, independent of information supplied by nondomestic users, compliance or noncompliance with applicable pretreatment standards and requirements by nondomestic users. The Director shall be authorized to enter any premises of any nondomestic user in which a discharge or pretreatment system is located to copy or inspect those records which are required to be kept on the premises under 40 CFR 403.12 (o) to ensure compliance with pretreatment standards.
 - f. Require any user to develop and implement best management practices (BMP) to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants, or other substances from the user's premises to the POTW, as determined necessary by the Director.
 - g. Require a user to develop and submit a best management practices plan (BMPP), including an enforceable implementation schedule, for review and approval. The BMPP shall be submitted within 30 days after notification by the Director or as otherwise required by a user permit. The BMPP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the POTW. The BMPP shall be available for inspection at all times at the user's premises. At a minimum, a user's BMPP shall contain the following elements, as determined necessary by the

Director, at a level of detail and in units and terms as determined necessary to adequately evaluate the plan:

1. A statement of the purpose and objectives of the plan;
 2. A description of the strategies, methods, policies and procedures to prevent, minimize or reduce the introduction of pollutants into the user's discharge and to minimize waste generation;
 3. A description of the options available to the user to control accidental spillage, leaks and drainage;
 4. A description of best available or practicable control technologies available for the user's specific circumstances;
 5. A detailed facility layout and site diagram showing points of entry into the (POTWs);
 6. A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics;
 7. A description of operating and maintenance processes and procedures;
 8. An inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility and their quantities;
 9. A description of employee training programs, policies and procedures; continuing education programs; and participation requirements;
 10. A description of the user's documentation, including record keeping and forms;
 11. A description of monitoring activities;
 12. An information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives;
 13. A certification by a qualified professional that the plan is adequate to prevent spills, leaks, slug loads, or non-customary discharges of regulated substances, directly or indirectly, to the POTW; and
 14. Such other information, documents or diagrams as required by the Director, including, but not limited to, any of the information required under this article, the Act, or state law.
- h. The BMPs or BMPP required of a user or approved for a user shall be incorporated in a user permit issued to the user. If the user already has a user permit, the existing permit shall be modified to incorporate the BMPP requirements. If the user does not currently have a user permit, a permit shall be issued for that purpose.
- i. The Director may require revisions to a user's BMPP if he or she determines the plan contains elements that are inadequate, or as otherwise determined necessary by the Director to ensure compliance with applicable requirements of this article, the Act or state law. Review of a BMPP by the Director shall not relieve the user from the responsibility to modify its facility as necessary to comply with this article, the Act or state law.
- j. The user reports to the Director must include best management practices compliance information. The user reports must be certified and signed by the user's authorized representative.

five days of becoming aware of the bypass. The written submission shall contain the following:

1. A description of the bypass and its cause;
 2. The duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and
 3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- (2) Prohibition of bypass. Enforcement actions and approval procedures for bypass are as follows:
- a. Bypass is prohibited and the POTW may take enforcement action against an individual user for a bypass, unless:
 1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 2. There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The industrial user submitted notices as required by Subsection (e)(1) of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in Subsection (e)(2)a of this section.

Sec. 48-88. Grease, oil and sand traps.

- (a) Grease interceptors, oil separators, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients. Such traps shall not be required at premises of domestic users. All grease interceptors, oil separators, and sand interceptors shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease interceptors and oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (b) All grease interceptors, oil separators, and sand interceptors shall be maintained by the user, at his or her expense, in continuous efficient operation at all times.

Sec. 48-89. Permitted discharges into storm sewers.

- (a) No person shall discharge or cause to be discharged into any storm sewer or natural or artificial watercourse any uncontaminated process waters or wastes other than stormwater, except upon special agreement or arrangement with the Director, who shall seek review by the appropriate agency of the state. Such discharge shall be subject to the limitations as provided in §§ 48-85 and 48-86 and the provisions of a valid NPDES permit issued by the state to the discharger.
- (b) In addition, industrial users may be required by federal law to obtain an NPDES permit for stormwaters discharging directly to the surface waters of the state. Affected industrial users are

hereby required to make application to the State for a valid NPDES permit to discharge stormwater as required by federal law.

- (c) All stormwater discharged to the City's municipal collection system shall comply with the requirements of the City's municipal stormwater NPDES permit and Article V of this Chapter.

Sec. 48-90. Disposal of stormwater.

- (a) Water from roofs of buildings, window wells, driveway drains, catch basins or any other source of surface water from a premises shall not be discharged to a sanitary sewer but may be discharged to the ground surface or to a storm sewer, if available.
- (b) As of February 2004, water from footing drains from any new construction shall not be discharged to a sanitary sewer. Footing drains must be discharged through a sump pump to the surface of the ground or directly to the MS4, if available, with approval from the Director.

Sec. 48-91. National pretreatment standards.

No changes.

Sec. 48-92. Special requirements for discharge of process flow.

- (a) This section details special requirements for users discharging process wastes to the POTW.
- (b) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.
- (c) Any nondomestic user or other premises discharging process flow to a sanitary sewer, storm sewer or receiving stream and any user who applies for or receives sewer service or through the nature of the premises creates a potential environmental problem or significantly alters the character or quantity of an existing discharge to the POTW may be required to comply with the following:
 - (1) File with the Director a written statement setting forth the nature of the premises; the source and amount of water used; the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
 - (2) File with the Director a plan map of the premises, with each discharge to a sanitary sewer, storm sewer, or surface waters noted and described and the discharge identified.
 - (3) Sample, test and file reports with the Director and the appropriate agencies on characteristics of wastes on a schedule, at identified locations and according to methods approved by the Director.
 - (4) Place pretreatment systems, wastewaters, or other potential waste concerns under the specific supervision and control of users who have been certified by the appropriate agency as properly qualified to supervise such facilities.
 - (5) Provide a report on raw materials entering the process or support system, intermediate materials, final products and waste byproducts, as those factors may affect waste control.
 - (6) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes.
 - (7) Submit nondomestic user control survey forms or other forms and self-monitoring reports.
 - (8) Submit industrial user permit applications.

- (9) Install a control manhole and/or private sewer lead.
- (d) Any nondomestic user which does not normally discharge to the public sanitary sewer, public storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall, when requested by the Director, comply with Subsection (c) of this section.
 - (e) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or characteristic of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).
 - (f) All categorical and noncategorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loading and loadings in excess of the limits described in §§ 48-87 and 48-88.
 - (g) New users shall install and have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new discharges must meet all applicable pretreatment standards.
 - (h) All significant industrial users shall be controlled by an industrial user permit. This control document shall be issued by the City for a stated duration of time not to exceed five years.

A significant industrial user discharging under an industrial user permit shall make application for a new industrial user permit not later than 180 days before the expiration date of its current permit. The significant industrial user shall be required to complete the application form in its entirety as it is supplied by the City.

All new users which are significant industrial users shall submit an industrial user permit application not later than 90 days prior to discharge. For significant industrial users which are also subject to categorical pretreatment standards, this application shall also include all the information as required in 40 CFR 403.12(b)(e) and (h), including a description of operation, flow measurement, and measurement of pollutants. This is referred to as a "baseline monitoring report" in the federal regulations.

All permits issued under this article are nontransferable without prior written approval of the City.

- (i) Within 90 days following the date for final compliance with applicable categorical pretreatment standards or for a new source following commencement of the introduction of wastewater, process flow or other wastes, into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the POTW a report containing all the information described in 40 CFR 403.12 known as the ninety-day compliance report. For industrial users subject to equivalent mass or concentration limits established by the City, this report shall contain a reasonable measure of the 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, this report shall include the user's actual production during the appropriate sampling period.
- (j) All significant industrial users shall submit to the POTW during the months of June and December a report indicating the nature and concentration of pollutants in the effluent which are limited by applicable pretreatment standards, known as the six-month compliance report. All requirements for this report shall be stated in the industrial user permit. This report must comply with all requirements of 40 CFR 403.12.
- (k) If sampling performed by an industrial user indicates a violation of any applicable pretreatment standard, the user shall notify the POTW within 24 hours of becoming aware of the violation.

The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation.

- (l) All reports required of industrial users in this article shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.
- (m) If an industrial user subject to the reporting requirements in this article monitors any pollutant more frequently than required, using the procedures prescribed in § 48-95, the results of this monitoring shall be included in the next applicable report to the POTW.

Sec. 48-93. Method of measuring, testing and analyzing wastes.

- (a) All sampling measurements, tests and analysis of the characteristics of wastewater or other wastes pursuant to this article shall be determined in accordance with 40 CFR 136. Samples may be taken at the control manhole provided for in § 48-95. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer from the point at which the private sewer lead is connected. In addition, national pretreatment standards may require that testing or sampling be done at a process discharge within a nondomestic user's facility, or the Director may direct such sampling be carried out.
- (b) Where treated regulated process wastewater is combined prior to treatment with wastewater or other wastes than those generated by the regulated process, the industrial user may monitor either the segregated process wastewater or the combined wastewater for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process wastewater, it shall apply the applicable pretreatment standard. If the industrial user chooses to monitor the combined wastewater, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided for in 40 CFR 403.6(e). The industrial user may change monitoring points only after receiving approval from the Director.

Sec 48-94. Required corrective treatment.

Under this article, required corrective treatment may be required to be accomplished before wastewater or other wastes reach the public sanitary sewer. All of the preceding specific conditions of this article are to apply at the point where wastes are discharged into a public sanitary sewer, except for categorical standards which apply to the specific industrial process, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

Sec. 48-95. Control manholes.

When required by the Director, the user served by a private sewer lead carrying nondomestic wastewater or other wastes shall install one or more suitable control manholes on the private sewer lead, to facilitate observation, sampling and measurement of the wastewater or other wastes. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The manholes shall be installed at the owner's own expense and shall be maintained by the user so as to be safe and accessible at all times. All significant industrial users shall install a control manhole on the private sewer lead of process flow as required by the Director. More than one control manhole may be required.

Sec. 48-96. Spill prevention.

- (a) The Director may require users to provide such site access, right of entry, technical data, self-monitoring reports, or other pertinent information which is deemed necessary to make possible:
 - (1) Identification of types of pollutants stored and handled by nondomestic users.

- (2) Identification of possible spill situations.
 - (3) The development of a spill prevention plan for approval by the POTW.
 - (4) Development of procedures to enable the Director to routinely inspect industrial spill prevention facilities.
 - (5) Development and enforcement of procedures that require immediate reporting of all spill events to the Director.
 - (6) Establishment of an emergency response plan to deal with spills that includes the Director, police, fire and medical care facilities.
 - (7) Implementation of a program offering assistance and guidance to industries in preventing spills.
- (b) The Director may, upon identification of a containment site or other potential spill situation, require a user to:
- (1) Submit plans and specifications for construction of an appropriate containment device for approval.
 - (2) Require construction of such an approved containment device within a reasonable period of time upon written notice to the user of such requirement.
 - (3) Inspect and approve the final construction of such containment device or facilities.
 - (4) Determine the required volume, materials, location and other such technical considerations as deemed necessary to ensure adequate protection of the POTW surface waters and the groundwaters of the state.
- (c) The State of Michigan guidelines for planning, constructing and maintaining such facilities or devices shall normally be followed; however, the Director may impose additional and/or more restrictive requirements as may be deemed necessary to ensure the safe and proper operation of the POTW.
- (d) Electrical transformers and capacitors containing PCB in any quantity shall be diked or otherwise isolated so that any spill of fluid from the electrical transformer or capacitor cannot enter a public sanitary sewer, public storm sewer, surface waters, or groundwaters, either directly or indirectly.

Sec. 48-97. Confidential information.

- (a) Information and data on a nondomestic 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 nondomestic user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the nondomestic user.
- (b) When requested by the person furnishing a report, the portions 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 article, the NPDES permit, state disposal system permit and/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 user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (c) Information accepted by the Director as confidential shall not be transmitted to the general public by the Director until and unless a ten-day notification is given to the nondomestic user.

Sec. 48-98. National, state and local law; right of revision.

No changes.

Sec. 48-99. Emergency suspension of service.

- (a) The Director shall have authority to halt or eliminate immediately and effectively any actual or threatened discharge of pollutants to the POTW which present or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment or causes interference with the operation of the POTW.
- (b) Any user notified of a suspension of POTW service shall immediately stop or eliminate the discharge. If the user fails to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, the receiving stream, or endangerment to any individuals. The Director shall reinstate the service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Director within 15 days of the date of occurrence.

Sec. 48-100. Right of entry to enforce article.

The Director, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with this article. Any user who applies for or receives services from the City shall be deemed to have consented to inspections pursuant to this section, including entrance upon the user's premises at reasonable times to make such inspections.

Sec. 48-101. Discharge of prohibited substances.

The discharge into the POTW of any substance which exceeds the limitations contained in this article or violates any provision of an industrial user permit, order, agreement, or in any manner fails to conform to this article is hereby declared to be unlawful and a public nuisance.

Sec. 48-102. Damaging POTW property.

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

Sec. 48-103. Enforcement of article.

- (a) Notification of violation. Any user found to be violating any section of this article, including any permit or agreement or order, except § 48-102, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The user shall, within or at the expiration of the period of time stated in such notice, permanently cease all violations. Any user who continues any violation beyond the time limit provided shall be guilty of a violation of this article. Noncompliance progress reports may be required until correction is achieved.
- (b) Consent orders. The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the Director and user. Consent orders shall have the same force and effect as this article and are enforceable as if set forth in this article.
- (c) Show cause order. The Director may order any user which causes or contributes to violation of this article, industrial user permit or order issued under this article to show cause why a proposed

enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner, corporate officer, or user. Whether or not a duly notified user appears as noticed, enforcement action may be pursued as appropriate.

- (d) Compliance order. When the Director finds that a user has violated or continues to violate this article or a permit or order issued under this article, an order may be issued to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate, devices, or other related appurtenances have been installed and are properly operated and compliance is achieved. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- (e) Cease and desist orders. When the Director finds that a user has violated or continues to violate this article or any permit or order issued under this article, the Director may issue an order to cease and desist all illegal or authorized discharges immediately, in accordance with the following:
 - (1) In an emergency, the order to cease and desist may be given by telephone.
 - (2) In nonemergency situations, the cease and desist order may be used to suspend service or permanently revoke industrial user permits.
 - (3) The cease and desist order may order the user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) Termination of permit. Significant industrial users proposing to discharge into the POTW must first obtain an industrial user permit from the POTW. Any user who violates the following conditions of this article or an industrial user permit or order or any applicable state or federal law is subject to permit termination:
 - (1) Violation of permit conditions.
 - (2) Failure to accurately report the wastewater or other wastes constituents and characteristics of its discharge.
 - (3) Failure to report significant changes in operations or wastewater or other wastes constituents and characteristics.
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.Noncompliant industrial users will be notified of the proposed termination of their industrial user permit and be offered an opportunity to show cause under Subsection (c) of this section why the proposed action should not be taken.

Sec. 48-104. Civil actions to enforce article.

No changes.

Sec. 48-105. Civil penalties.

- (a) Except as specifically noted in Subsection (b) of this section, any user who is found to have willfully or negligently failed to comply with any section of this article and the orders, rules, regulations and permits issued under this article shall be deemed to have committed a municipal civil infraction and shall be liable to the City for a civil penalty of not less than \$1,000 for each

offense plus actual damages incurred by the POTW. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this subsection, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate action at law against the user found to have violated this article or the orders, rules, regulations, and permits issued under this article.

- (b) Violation of §§ 48-102 and 48-107 shall remain misdemeanors.
- (c) The Director may petition the court to impose, assess and recover such sums as provided in Subsection (a) of this section. In determining the amount of liability, the court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

Sec. 48-106. Special agreements.

- (a) No abatement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any user whereby any waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by such user. Special agreements shall only be made for compatible/ conventional pollutants. No special agreements shall be made for categorical process flows.
- (b) Any such special agreement or arrangement between the City and any user may be denied or conditioned to ensure that no new or increased contributions of pollutants to the POTW or changes in the nature of pollutants discharged to the POTW occur by a nondomestic user where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit or cause pass through, interference, or sludge contamination.

Sec. 48-107. Falsifying information.

Any user who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or industrial user permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by the imposition of penalties in accordance with § 1-16, which states penalties for violation of this Code.

Sec. 48-108. Right of appeal.

Any nondomestic user shall have the right to request in writing an interpretation or ruling by the Director on any matter covered by this article and shall be entitled to a prompt written reply. If such inquiry is by a nondomestic user and deals with matters of performance or compliance with this article for which enforcement activity relating to an alleged violation is the subject, receipt of a nondomestic user's written request shall stay all enforcement proceedings pending receipt of the written reply.

Sec. 48-109. Annual publication of users in noncompliance.

No changes.

Sec. 48-110. Fees.

- (a) The Director may adopt charges and fees under this article which may include the following:
 - (1) Fees for reimbursement of costs of setting up and operating the POTW pretreatment program.

- (2) Fees for monitoring, inspection and sampling procedures, including the cost of reviewing monitoring reports submitted by the industrial user.
 - (3) Fees for reviewing accidental discharge procedures and construction.
 - (4) Fees for permit applications, including the cost of processing such applications.
 - (5) Fees for filing appeals.
 - (6) Other fees as the Director may deem necessary to carry out the requirements contained in this article.
- (b) The fees in Subsection (a) of this section relate solely to the matters covered by this article and are separate from all other fees chargeable by the POTW.

Sec. 48-111. Upset.

- (a) Definition. For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate pretreatment systems, lack of preventative maintenance, or careless or improper operation.
- (b) Effect of upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of Subsection (c) of this section are met.
- (c) Conditions necessary for demonstration of upset. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
- (1) An upset occurred and the industrial user can identify the cause of the upset.
 - (2) The premises was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - (3) The industrial user has submitted the following information to the POTW within 24 hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five days:
 - a. A description of the discharge and cause of noncompliance.
 - b. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (d) Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) User responsibility. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, is lost or fails.

Sec. 48-112. Recordkeeping requirements.

- (a) Any industrial user subject to the reporting requirements established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include for all samples the following:
 - (1) The date, exact place, method, and time of sampling and the name of the user taking the samples;
 - (2) The dates the analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical techniques/method used; and
 - (5) The results of such analyses.
- (b) Any industrial user subject to the reporting requirements of this article shall retain for a minimum of three years any records of monitoring activities and results, whether or not such monitoring activities are required by this section, and shall make such records available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation concerning this article.

Sec. 48-113. Hazardous waste notification.

- (a) Any industrial user, except as specified in Subsection (e) of this section, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261 shall notify the POTW in writing of such discharge.
- (b) All hazardous waste notifications shall include the following:
 - (1) The name of the hazardous waste as set forth in 40 CFR 261;
 - (2) The Environmental Protection Agency hazardous waste number;
 - (3) The type of discharge (continuous, batch, or other); and
 - (4) A certification that the user 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.
- (c) In addition to the information submitted in § 48-113, discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain, to the extent such information is known and readily available, the following:
 - (1) An identification of the hazardous constituents contained in the wastewater or other wastes;
 - (2) An estimation of the mass and concentration of such constituents in the wastewater or other wastes discharged during that calendar month; and
 - (3) An estimation of the mass of constituents in the wastewater or other wastes expected to be discharged during the following 12 months.
- (d) Hazardous waste notifications shall be submitted no later than 10 days from commencing the discharge of listed or characteristic hazardous wastes. Any notification under this subsection need be submitted only once for each hazardous discharge, although notifications of changed discharges must be submitted under § 48-92(e).
- (e) Industrial users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

Sec. 48-114 through Sec. 48-150. (Reserved)

Article IV
Water and Sewer Service Charges

Sec. 48-151 through Sec. 48-161.

No changes.

Article V
Storm Sewer Service

Sec. 48-162. Purpose.

The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the City of Port Huron (City) and the watersheds with which it drains, and which are deemed to be consistent with the minimum obligations of the City's National Pollution Discharge Elimination System (NPDES) permit and with respect to all applicable state and federal laws, rules and regulations. This article is designed to meet that purpose by minimizing the negative impacts of increased stormwater discharges from development and redevelopment through the following objectives:

- (a) Minimize increases in stormwater runoff rates and volumes in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion, water quality, and maintain the integrity of stream channels;
- (b) Minimize increase in nonpoint source pollution;
- (c) Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- (d) Reduce stormwater runoff rates and volumes, soil erosion, and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure these controls are properly maintained and pose no threat to public safety.

Sec. 48-163. Applicability.

This article shall apply to all site plan applications and/or any development or redevelopment which discharges, or is proposing to discharge, runoff to the City's municipal separate storm sewer system (MS4), unless otherwise exempted by this Article or granted a waiver.

Sec. 48-164. Management and enforcement.

The complete MS4 and stormwater management within the City shall be and remain under the management, supervision, and control of the Director, who may employ or designate such persons in such capacity as deemed advisable to carry out the efficient management and operation of the system. The Director may make such rules, orders, or regulations as deemed advisable and necessary to ensure the efficient management and operation of the system, subject, however, to the rights, powers and duties in respect thereto which are reserved to the City Council.

To prevent the adverse impacts of stormwater runoff the Director has developed a set of performance standards that must be met for MS4 discharges. These standards are detailed in the City's Post-Construction Stormwater Runoff Control Standards and Guidance.

Sec. 48-165. Exemptions.

This article shall not apply to:

- (a) Construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling;
- (b) The installation or removal of individual manufactured homes within a manufactured home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a manufactured home park;
- (c) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this ordinance, where such approvals remain in effect;
- (d) Emergency work immediately necessary for the protection of life, public health, property, or natural resources, is exempted from the requirements of this chapter. A written description of emergency work performed shall be submitted to the Director within 48 hours following its commencement;
- (e) Maintenance activities including pavement overlay, mill and resurface of pavement;
- (f) Regulated construction activity done to protect public health as part of a Due Care Plan that is required and approved by a state or federal regulatory agency;
- (g) Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the appropriate agency, as applicable.

Sec. 48-166. Compatibility with other permit and ordinance requirements.

This Article is not intended to interfere with, abrogate, or annul any other ordinance, article, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

Sec. 48-167. Application and permit requirements.

Unless specifically excluded by this ordinance, any applicant desiring site plan approval or building permit shall submit a permit application on a form provided for that purpose and a site plan per Chapter 52, including a conceptual stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development/redevelopment will be controlled or managed.

For final approval, a final stormwater management plan shall be prepared to meet the requirements this article, including the minimum performance standards and maintenance agreement as defined in the Post-Construction Stormwater Runoff Control Standards and Guidance. No user shall receive a permit or final acceptance until all components of the stormwater management plan have been submitted and passed final inspection.

Sec. 48-168. Stormwater management waiver.

- (a) A written request to waive the minimum requirements for stormwater management, in whole or in part, may be submitted for consideration, provided at least one (1) of the following conditions applies:
 - (1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this article.
 - (2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved and the implementation of the plan is required by ordinance.

- (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
 - (4) It is demonstrated to the satisfaction of the Director that meeting the minimum on-site management requirements is not feasible through reasonable re-design or without substantial interference to the intended use of the site due to the extraordinarily difficult natural or existing physical characteristics of a site.
 - (5) Non-structural practices will be used on the site that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage and c) the pollutants generated at the site.
- (b) In instances where one of the conditions above applies, the City may grant a waiver from strict compliance with these stormwater management provisions, provided acceptable mitigation measures to maximize minimum performance standards are included in the on-site design. In addition, applicant shall quantify the degree to which the minimum performance standards can or cannot be met on the site.
- (c) In order to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the City that the waiver will not result in the following impacts to downstream properties or waterways:
- (1) Deterioration of existing culverts, bridges, dams, and other structures;
 - (2) Degradation of water quality adversely affecting biological functions or habitat;
 - (3) Accelerated streambank or streambed erosion or siltation; and
 - (4) Increased threat of flood damage to public health, life, or property.

Sec. 48-169. Permitted discharges in the MS4.

All discharges to the City's MS4 shall comply with the requirements of the City's municipal stormwater NPDES permit and post-construction runoff control standards:

- (a) Stormwater, as defined, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the appropriate agency.
- (b) No user shall discharge or cause to be discharged into any public storm sewer system or natural or artificial watercourse any uncontaminated process waters or wastes other than stormwater, except upon special agreement or arrangement with the Director, who shall seek review by the appropriate agency of the state. Such discharge shall be subject to the limitations as provided in this article, its attachments, and the provisions of a valid NPDES permit issued by the state of Michigan to the user.
- (c) In addition, users may be required by law to obtain an NPDES permit for stormwaters discharging directly to the surface waters of the state or international waters. Affected users are hereby required to make application to State of Michigan and/or the Army Corp of Engineers for a valid permit to discharge stormwater as required by state or federal law.

Sec. 48-170. Disposal of stormwater.

Unless determined to be exempt or granted a waiver, prior to discharge, stormwater shall be collected, detained and treated as required to meet the minimum post-construction stormwater runoff performance standards, which may be updated from time to time.

- (a) Stormwater as defined and all other unpolluted drainage, including water from roofs of buildings, window wells, foundation drains, driveway drains, yard drains, catch basins or any other source of surface water from a premises shall not be discharged to a sanitary sewer but may be discharged to the surface of the ground, directly to the MS4, or directly to waters of the state upon approval by the appropriate agency.
- (b) As of February 2004, water from footing drains from any new construction shall not be discharged to a sanitary sewer. Footing drains must be discharged through a sump pump to the surface of the ground or directly to the MS4, if available, with approval from the Director.
- (c) Stormwater from a development or redevelopment shall be collected, treated, and discharged per this article and not be allowed to sheet flow directly to the right of way or onto adjacent properties.

Sec. 48-171. Discharge of prohibited substances.

The discharge into any public sewer of any substance which exceeds the limitations contained in this article or violates any provision of an industrial user permit, order, agreement, or in any manner fails to conform to this article is hereby declared to be unlawful and a public nuisance.

Sec. 48-172. Operation and maintenance.

- (a) All structural and non-structural BMPs installed and implemented to meet the performance standards shall be operated and maintained by the property owner in perpetuity.
- (b) Maintenance of all stormwater management facilities shall be ensured through a formal maintenance agreement such that:
 - (1) All stormwater measures be operated and maintained in accordance with an approved operation and maintenance plan;
 - (2) The City will be notified of any transfer of responsibility (i.e., change in ownership);
 - (3) The City is allowed access to inspect BMPs, perform emergency maintenance or corrective action as necessary to avoid undue harm to the public or property; and
 - (4) The City is allowed access to operation and maintenance inspection forms and records.

Sec. 48-173. Damaging property.

No user shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the MS4.

Sec. 48-174. Enforcement of article.

- (a) Notification of violation. Any user found to be violating any section of this article, including any permit or agreement or order, except § 48-165, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The user shall, within or at the expiration of the period of time stated in such notice, permanently cease all violations. Any user who continues any violation beyond the time limit provided shall be guilty of a violation of this article. Noncompliance progress reports may be required until correction is achieved.
- (b) Consent orders. The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the director and user. Consent orders shall have the same force and effect as this article and are enforceable as if set forth in this article.

- (c) Show cause order. The Director may order any user which causes or contributes to violation of this article, permit or order issued under this article to show cause why a proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner, corporate officer, or user. Whether or not a duly notified user appears as noticed, enforcement action may be pursued as appropriate.
- (d) Compliance order. When the Director finds that a user has violated or continues to violate this article or a permit or order issued under this article, an order may be made to the user responsible for the discharge directing that, following a specified time period, service shall be discontinued unless adequate pretreatment systems, devices, or other related appurtenances have been installed and are properly operated and compliance is achieved. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- (e) Cease and desist orders. When the Director finds that a user has violated or continues to violate this article or any permit or order issued under this article, the Director may issue an order to cease and desist all illegal or authorized discharges immediately.
- (f) Certificate of occupancy and approvals.
 - (1) A certificate of occupancy will not be issued unless and until an approved stormwater management system is in place and functional.
 - (2) A certificate of occupancy may be refused for any development or redevelopment served by a MS4 until such time as the applicant or responsible user has taken remedial measures set forth in the notice of violation or has otherwise corrected the violations described therein.
 - (3) Any approvals granted for the development or redevelopment may be suspended or revoked upon discovery of the failure to comply with the provisions of this article.
 - (4) Where a violation of this article continues and remains uncorrected, the request for permit, certificate of occupancy, or site plan approval or other authorization provided by this code or other building regulations as appropriate for the land on which the violation occurs, may be withheld until such corrections are made.
 - (5) If a violation is deemed dangerous or prejudicial to the public health or safety, the Director may cause the violation to be corrected and the costs to be assessed as a lien against the property.

Sec. 48-175. Right of entry.

During development, the stormwater management system may be inspected at any time to assure compliance with the intent of this article. Thereafter, entry to the property and access to the system shall be granted at reasonable times and in a reasonable manner for the purpose of inspection, sampling, or monitoring, based on a reasonable basis to believe a violation of this ordinance is occurring or has occurred, to confirm good working order, and when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Any user who applies for or receives sewer services from the City shall be deemed to have consented to inspections pursuant to this chapter, including entrance upon the property at reasonable times to make such inspections.

Sec. 48-176. Civil actions to enforce article.

The Director is hereby authorized to bring any appropriate action in the name of the City, either at law or in chancery, as may be necessary or desirable to:

- (1) Restrain or enjoin any public nuisance defined in this article;
- (2) Enforce any of the sections of this article, permits or order issued under this article; and
- (3) In general, carry out the intents and purposes of this article or recover replacement costs caused by violation of this article.

Sec. 48-177. Civil penalties.

- (a) Except as specifically noted in Subsection (b) of this section, any user who is found to have willfully or negligently failed to comply with any section of this article and the orders, rules, regulations and permits issued under this article shall be deemed to have committed a municipal civil infraction and shall be liable to the City for a civil penalty of not less than \$1,000 for each offense plus actual damages incurred by the City. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this subsection, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate action at law against the user found to have violated this article or the orders, rules, regulations, and permits issued under this article.
- (b) Violation of §§ 48-104 and 48-109 shall remain misdemeanors.
- (c) The Director may petition the court to impose, assess and recover such sums as provided in Subsection (a) of this section. In determining the amount of liability, the court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

Sec. 48-178. Falsifying information.

Any user who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or industrial user permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by the imposition of penalties in accordance with § 1-16, which states penalties for violation of this Code.

Sec. 48-179. Right of appeal.

Any nondomestic user shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this article and shall be entitled to a prompt written reply. If such inquiry is by a nondomestic user and deals with matters of performance or compliance with this article for which enforcement activity relating to an alleged violation is the subject, receipt of a nondomestic user's written request shall stay all enforcement proceedings pending receipt of the written reply.

Sec. 48-180. Fees.

- (a) The Director may adopt charges and fees under this article which may include the following:
 - (1) Fees for reimbursement of costs of administering, managing, and operating the MS4.
 - (2) Fees for monitoring, inspection and sampling procedures, including the cost of reviewing monitoring reports submitted by the user.
 - (3) Fees for reviewing accidental discharge procedures and construction.
 - (4) Fees for permit applications, including the cost of processing such applications.
 - (5) Fees for filing appeals.

(6) Other fees as the Director may deem necessary to carry out the requirements contained in this article.

(b) The fees in Subsection (a) of this section relate solely to the matters covered by this article and are separate from all other fees chargeable by the City.

Sec. 48-181. Notice of construction commencement.

The applicant must notify the Director 48 hours before commencement of construction. Regular inspections of construction shall be conducted. If violations are found, required corrective actions will be made prior to work continuing.

Sec. 48-182. Conforming to construction record drawings.

Applicants are required to prepare and submit “as built” plans of the site development, including storm management controls, sanitary sewers, and water infrastructure showing size, length, slope, location, material, structures, and elevations.

Sec. 48-183. Landscaping and stabilization.

Landscaping and stabilization shall meet the requirements of the soil erosion sediment control plan as approved by the governing agency.

ADOPTED: August 12, 2024

PUBLISHED: August 16, 2024

EFFECTIVE: August 17, 2024

RESULT:	2ND READING/ENACTED BY CONSENT [UNANIMOUS]
MOVER:	Sherry L. Archibald, Mayor Pro-Tem
SECONDER:	Robert L. Mosurak, Councilmember
YES:	Repp, Archibald, Ashford, Haremza, Lamb, Mosurak, Pemberton

I, Pauline M. Repp, Mayor of the City of Port Huron, do hereby certify that ORD #24-006 was passed and adopted by the Port Huron City Council at its meeting held on Monday, August 12, 2024.

Mayor

Date

I, Cyndee M. Jonseck, City Clerk of the City of Port Huron, do further certify that ORD #24-006 was published Friday, August 16, 2024, in the Times Herald, a newspaper circulated in the City of Port Huron, being the first and final day of publication.

*Cyndee M. Jonseck, CMC, MiPMC
City Clerk*