

GRSD SEWER AUTHORITY  
RESTATED RULES AND REGULATIONS  
2022

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## CHAPTER 1

### TITLE AND DEFINITIONS

SECTION 1.1 TITLE. These Restated Rules and Regulations shall be known and may be cited as the "GRSD Sewer Authority Restated Rules and Regulations" (hereinafter the 'Rules and Regulations').

SECTION 1.2 PURPOSE AND POLICY. These Rules and Regulations set forth uniform requirements for Users of the Wastewater System and enable the Authority and its Constituent Municipalities to protect public health in conformity with all applicable local, State and Federal laws relating thereto.

The objectives of these Rules and Regulations are:

- (a) to prevent the introduction of Pollutants into the Wastewater System which will interfere with its normal operation or contaminate the resulting municipal sludge;
- (b) to prevent the introduction of Pollutants into the Wastewater System which do not receive adequate Treatment in the WWTP, and which will Pass Through the Wastewater System into receiving waters or the atmosphere or otherwise be incompatible with the Wastewater System;
- (c) to improve the opportunity to recycle and reclaim Wastewater and sludge from the Wastewater System;
- (d) to protect both Wastewater System personnel who may be affected by Wastewater and sludge in the course of their employment and the general public;
- (e) to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Wastewater System; and
- (f) to enable the Authority to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Wastewater System is subject.

These Rules and Regulations shall apply to all Users of the Wastewater System. These Rules and Regulations authorize the issuance of individual Wastewater Discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

SECTION 1.3 RULES APPLYING TO TEXT. The following rules of construction shall apply to the text of these Rules and Regulations.

- (a) The particular shall control the general.
- (b) Except with respect to the definitions which follow in Section 1.5, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of these Rules and Regulations or as enlarging or restricting the terms and provisions of these Rules and Regulations in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) Words imparting masculine gender shall apply to feminine and also to firms, associations, partnerships, joint ventures, corporations, trusts, and municipal or other public entities.
- (f) With regard to any conflicts between these Rules and Regulations and the applicable State or Federal regulations, the State or Federal regulations shall control.
- (g) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity, or a combination of any of them, as well as a natural person.
- (h) The word "Authority" means the GRSD Sewer Authority, located in Berrien County, Michigan.
- (i) The words "Authority Board" mean the Board of Trustees of the GRSD Sewer Authority.

SECTION 1.4 WORDS NOT DEFINED. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 1.5 DEFINITIONS. For the purpose of their use in these Rules and Regulations, the following terms and words are hereinafter defined.

- (a) 40 CFR 403: The general Pretreatment regulations outlined at 40 Code of Federal Regulations Part 403.

(b) ABBREVIATIONS: The following abbreviations shall have the designated meanings:

BOD:	Biological Oxygen Demand
BMP:	Best Management Practice
BMR:	Baseline Monitoring Report
CBOD:	Carbonaceous Biological Oxygen Demand
CFR:	Code of Federal Regulations
CIU:	Categorical Industrial User
COD:	Chemical Oxygen Demand
DO:	Dissolved Oxygen
EGLE:	Michigan Department of Energy, Great Lakes and the Environment
ERP:	Enforcement Response Plan
gpd:	Gallons Per Day
IPP:	Industrial Pretreatment Program
IU:	Industrial User
l:	Liter
MAIL:	Maximum Allowable Industrial Loading
MAHL:	Maximum Allowable Headworks Loading
MDL:	Method Detection Limit
mg:	Milligrams
mg/l:	Milligrams Per Liter
MRP:	Mercury Reduction Plan
NAICS:	North American Industry Classification System
NDU:	Non-Domestic User
NPDES:	National Pollutant Discharge Elimination System
SIC:	Standard Industrial Classification
SIU:	Significant Industrial User
TSS:	Total Suspended Solids
ug/l:	Micrograms Per Liter
USC:	United States Code
WWTP:	Wastewater Treatment Plant

(c) ACT OR 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.

(d) AUTHORIZED REPRESENTATIVE: An Authorized Representative of a User is:

(1) If the User is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- (ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager: is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater Discharge permit requirements; and to whom authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in (1) through (3) above may designate a duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.
- (e) BATCH DISCHARGE: The Discharge of Wastewater resulting from an intermittent treatment process in which an identified amount of process Wastewater is collected, treated to meet Pretreatment Standards, and released to the Sanitary Sewer System.
- (f) BMPs: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of these Rules and Regulations regarding compliance with the prohibitions listed in Sections 2.1 and 2.2. BMPs include Pretreatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, drainage from raw materials storage, or alternate means of complying with established Pretreatment Standards and effluent limits.
- (g) BOD or BOD<sub>5</sub> (Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in parts per million by weight or in milligrams per liter.

- (h) **BUILDING SEWER:** The extension of the building drain which begins five (5) feet outside the inner face of the building wall and continues to the Public Sewer or other place of disposal.
- (i) **BYPASS:** The diversion of wastestreams from any portion of a User's Pretreatment facility as outlined in 40 CFR 403.17.
- (j) **CATEGORICAL INDUSTRIAL USER (CIU):** An IU subject to a Categorical Pretreatment Standard or Categorical Standard.
- (k) **CATEGORICAL PRETREATMENT STANDARD or NATIONAL CATEGORICAL PRETREATMENT STANDARD:** Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of IUs.
- (l) **COD (Chemical Oxygen Demand):** The amount of oxygen required to chemically oxidize organic and inorganic constituents of Wastewater as measured under the standard laboratory procedures.
- (m) **COMBINED WASTESTREAM:** The wastestream at facilities where effluent from one (1) regulated process is mixed, prior to Pretreatment or Treatment, with Wastewaters other than those generated by that regulated process. Where required by Federal or State law, the Combined Wastestream Formula provided in 40 CFR 403.6 will apply to limits applicable to a Combined Wastestream.
- (n) **COMPOSITE SAMPLE:** A collection of individual grab samples obtained at regular intervals, collected on a time- or flow-proportioned basis over a specified time period which are combined into a single sample for testing purposes and which provides a representative sample of the average Discharge during the sampling period.
- (o) **CONSTITUENT MUNICIPALITY:** The Cities of New Buffalo and Bridgman, the Charter Township of Lake, the Townships of New Buffalo and Chikaming, and any other local unit of government that in the future joins the GRSD Sewer Authority.
- (p) **CONTROL AUTHORITY:** The GRSD Sewer Authority.
- (q) **DAILY MAXIMUM CONCENTRATION:** The arithmetic average of all effluent samples for a Pollutant collected during a calendar day, except for limitations with instantaneous limits such as pH and DO, the arithmetic average does not apply and the results of each sample shall be evaluated with respect to the applicable limit.
- (r) **DAILY MAXIMUM LIMIT:** The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in



units of mass, the daily Discharge is the total mass Discharged over the course of the calendar day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that calendar day, except with regard to pH and DO.

- (s) DISCHARGE: Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the Wastewater System.
- (t) DOMESTIC USER: A User of the Wastewater System from which the Discharge into the Wastewater System is primarily domestic waste.
- (u) DOMESTIC WASTE: Water-carried waste of human origin generated by personal activities from, but not limited to, non-commercial toilet, kitchen, laundry, bathing, or other facilities used for household purposes, but excluding industrial wastes.
- (v) EGLE: The Michigan Department of Energy, Great Lakes and the Environment or any predecessor or successor governmental agency having similar regulatory jurisdiction.
- (w) ENVIRONMENTAL COMPLIANCE COORDINATOR: The person designated by the Authority to coordinate and manage the Authority's IPP and Mercury Pollutant Minimization Program. This person acts as the IPP Coordinator unless an interim coordinator is designated as such.
- (x) ENFORCEMENT RESPONSE PLAN (ERP): A policy put in place that sets guidance for the Authority in taking enforcement measures against any Users of the Wastewater System which violate rules and regulations set at the State, Federal, and local level to protect public health, the Wastewater System, WWTP, and environment.
- (y) EPA: The United States Environmental Protection Agency.
- (z) EXISTING SOURCE: Any source of Discharge that is not a "New Source."
- (aa) GARBAGE: The solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- (bb) GRAB SAMPLE: A sample that is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.
- (cc) HAULED WASTE: Sewage from septic tanks, or from Sewage holding tanks such as may be found in vessels, chemical toilets, campers or trailers discharged at the Authority's Hauled Waste Receiving Station.

- (dd) INDUSTRIAL PRETREATMENT PROGRAM (IPP): A program put in place to prevent the introduction of pollutants to the Wastewater System or WWTP that may cause Pass Through or Interference or otherwise interfere with the disposal of biosolids.
- (ee) INDUSTRIAL PRETREATMENT PROGRAM (IPP) COORDINATOR: The person designated by the Authority to manage the Authority's IPP. The Environmental Compliance Coordinator acts in this role unless another person is designated to do so.
- (ff) INDUSTRIAL USER (IU): Any person who introduces Pollutants into a WWTP from any Non-Domestic source regulated under the Act, State law, or local Rules and Regulations.
- (gg) INDUSTRIAL WASTES: Liquid or liquid-borne wastes from industrial or manufacturing processes, trade or business operations, and distinct from Domestic Wastes.
- (hh) INSTANTANEOUS LIMIT: The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the Industrial Waste flow rate and the duration of the sampling event.
- (ii) INTERCEPTOR DEVICE: A device, including but not limited to grease traps, sand traps, oil separators, etc., designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter. In the case of acid or caustic wastes, an interceptor is a device in which the wastes are neutralized prior to their Discharge into the Wastewater System of the premises, the building drain, the Building Sewer, private sewer, or Public Sewer.
- (jj) INTERFERENCE: Any Discharge which alone or in conjunction with a Discharge or Discharges from other sources, both:
  - (1) Inhibits or disrupts the Wastewater System and any of its processes or operations or its sludge use or disposal; and
  - (2) Therefore, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude of duration of a violation) or of the prevention of sludge use or disposal in compliance with applicable local, State or Federal laws.
- (kk) LOCAL LIMIT: Specific Discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and 403(b).

- (ll) **MEDICAL WASTE:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (mm) **MONTHLY AVERAGE CONCENTRATION:** The sum of the concentrations of a Pollutant in all of the individual samples from that Discharge divided by the number of samples analyzed for that Pollutant during a calendar month. If the Pollutant concentration in any sample is less than the limit of detection, that value shall be regarded as zero (0) when calculating Monthly Average Concentration.
- (nn) **NATURAL OUTLET:** Any naturally-occurring outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- (oo) **NEW SOURCE:** Any building, structure, facility or installation from which there is, or may be a Discharge of Pollutants, construction of which commenced after the publication of proposed Pretreatment Standard under Section 307(c) of the Clean Water Act, as amended (33 U.S.C. 1317), which will apply to the facility if the standards are promulgated in accordance with that Section, and where the Discharge source is the result of: (1) construction of a facility at a site where no other Point Source is located; (2) the process or production equipment causing the Discharge is totally replaced due to construction; or (3) production of Wastewater-generating processes of the facility are substantially independent of an Existing Source at the same site; and/or as further or otherwise defined in the applicable Federal regulations (40 CFR 403.3(m)).
- (pp) **NON-DOMESTIC USER (NDU):** Any User, including SIUs and CIUs, of the Wastewater System that discharges wastes other than or in addition to water-carried Domestic Wastes.
- (qq) **NON-DOMESTIC WASTE:** All water-carried wastes other than Domestic Wastes.
- (rr) **NPDES OR STATE DISCHARGE PERMIT:** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (ss) **NUISANCE:** Any condition or circumstance defined as a nuisance pursuant to Michigan statute, at common law or in equity jurisprudence which includes, but is not limited to, any condition where Sewage, Industrial Waste, or the effluent from any Sewage disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground or into any ditch, storm sewer, lake or Watercourse, or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property, except as otherwise permitted.

- (tt) **PASS THROUGH:** A Discharge which exits the WWTP in quantities or concentrations which, alone or in conjunction with Discharges from other sources, causes a violation of the Authority's NPDES Permit (including an increase in the magnitude or duration of a violation) or detrimentally impacts the receiving stream and/or as further defined in 40 CFR 403.3(p).
- (uu) **pH:** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- (vv) **POINT SOURCE:** Any discernable confined and discrete conveyance or vessel from which Pollutants are or may be discharged to the Waters of the State or Public Sewer.
- (ww) **POLLUTANT:** Dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, CBOD, COD, toxicity, or odor).
- (xx) **PRETREATMENT OR TREATMENT:** The reduction, elimination, or alteration of Pollutant properties to a less harmful state prior to or in lieu of Discharge or introduction to the Wastewater System. This can be accomplished by physical, chemical, or biological processes, process changes, or other means, except by diluting the concentration of pollutants (unless allowed by an applicable Pretreatment Standard) or as otherwise prohibited by 40 CFR 403.6(d).
- (yy) **PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to Pretreatment imposed on a User.
- (zz) **PRETREATMENT STANDARD OR STANDARD:** Any local, State or Federal regulation containing Pollutant Discharge limits. This term includes Local Limits, prohibitive Discharge limits including those promulgated under 40 CFR 403.5, and Categorical Pretreatment Standards.
- (aaa) **PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:** Absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Sections 2.1 and 2.2.
- (bbb) **PUBLIC SEWER:** A Sewer which is owned by the Authority or a Constituent Municipality or over which the Authority or a Constituent Municipality has operational responsibility and control.
- (ccc) **REPLACEMENT COSTS:** Those expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service

life of a WWTP to maintain the capacity and performance for which such works are designed and constructed.

- (ddd) RESIDENTIAL USER: Any non-commercial premises used only for human habitation, whose discharge is Domestic Waste, and which are connected to the Wastewater System.
- (eee) SEVERE PROPERTY DAMAGE: Substantial physical damage or property damage to the WWTP or the Wastewater System which causes all or part of the WWTP or the Wastewater System to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.
- (fff) SEWAGE: Water-carried wastes from human excrement and gray water (household showers, dishwashing, etc.) from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.
- (ggg) SIGNIFICANT INDUSTRIAL USER (SIU): Except as provided in paragraph (3) of the definition, the term SIU means:
  - (1) All IUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
  - (2) Any other IU that: discharges an average of 25,000 gpd or more of process Wastewater to the Wastewater System (excluding sanitary, non-contact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWTP; or is designated as such by the Authority on the basis that the IU has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.3(v)).
  - (3) Upon a finding that an IU meeting the criteria in paragraph (2) of this definition has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from an IU and in accordance with 40 CFR 403.3(v), determine that such IU is not a SIU.
- (hhh) SIGNIFICANT NON-COMPLIANCE (SNC): The event of any one (1) or more of the following having occurred:
  - (1) Chronic violations of Wastewater Discharge limits, defined as where 66% or more of all the measurements accepted by the Authority taken for the

same Pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard, including any applicable maximum limit including an Instantaneous Limit or Requirement.

- (2) Technical Review Criteria (TRC) violations, defined as where 33% or more of all the measurements accepted by the Authority for each Pollutant parameter taken during a six (6) month period equal or exceed the product of any numeric Pretreatment Standard or requirement, including an Instantaneous Limit, multiplied by the applicable TRC (1.4 for BOD, CBOD, TSS, fats, oil and grease; and 1.2 for any other Pollutant except pH).
  - (3) Any other violation of a Pretreatment Standard (Daily Maximum Limit, long-term averages, Instantaneous Limit or narrative standard) that the Superintendent determines has caused, alone or in combination of other Discharges, Interference or Pass Through, or endangerment of the health of WWTP personnel or the general public.
  - (4) Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such Discharge under 40 CFR 403.8(f)(1)(vi)(B).
  - (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order (administrative or judicial) for starting construction, completing construction, or attaining final compliance.
  - (6) Failure to provide, within 30 days after the due date, required reports, including, without limitation, such reports as BMRs, 90-Day Compliance Reports, Periodic Self-Monitoring Reports, and reports on compliance with compliance schedules.
  - (7) Failure to accurately or fully report non-compliance.
  - (8) Any other violation or group of violations, which may include violations of BMPs, which the Authority determines will, or has, an adverse effect on the operation of the Wastewater System or implementation of the IPP.
- (iii) **SLUG DISCHARGE:** A Discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary Batch Discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate these Rules and Regulations, any Local Limits or any conditions of a User's Wastewater Discharge permit.

- (jjj) SUPERINTENDENT: The person designated by the Authority to supervise or manage the operation of the WWTP, and who is charged with certain duties and responsibilities by these Rules and Regulations, or his designee.
- (kkk) TOTAL SUSPENDED SOLIDS (TSS): The solids that float on the surface of or are in suspension in water, Wastewater or other liquids and which are removable by laboratory filtering.
- (lll) UPSET: An exceptional incident in which a CIU unintentionally and temporarily is in a state of non-compliance with the requirements of these Rules and Regulations due to factors beyond the reasonable control of the User, and excluding non-compliance to the extent caused by operational error, improperly designed Treatment facilities, inadequate Treatment facilities, lack of preventive maintenance, or careless or improper operation thereof and as further defined in 40 CFR 403.16.
- (mmm) USER: Any person (including any domestic or foreign corporation, partnership, governmental unit or other legal entity) who contributes, or causes or permits the contribution of Wastewater to the Wastewater System.
- (nnn) WASTEWATER: Water-carried waste from residences, business buildings, industrial establishments and/or other premises including wastes generated from industrial and commercial processes and Sewage, together with such infiltration as may be present.
- (ooo) WASTEWATER SYSTEM: The WWTP as well as all Public Sewers and other facilities owned by or over which the Authority or a Constituent Municipality has operational responsibility and control for collecting, sampling, monitoring, pumping and/or treating Wastewater.
- (ppp) WASTEWATER TREATMENT PLANT (WWTP): The Authority's WWTP, located at 10831 Kruger Road, New Buffalo, MI 49117. For information only, the WWTP's telephone number is (269) 469-3434.
- (qqq) WATERCOURSE: A channel, natural or artificial, in which a flow of water occurs either continuously or intermittently.
- (rrr) WATERS OF THE STATE: Groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of the state of Michigan.

## CHAPTER 2

### USE OF PUBLIC SEWERS

SECTION 2.1 PROHIBITED DISCHARGE. No person shall discharge or cause to be discharged any Wastewater or waste which: (i) will cause Pass Through or Interference or which is otherwise incompatible with the WWTP, (ii) contains the substances or possesses the characteristics described in Section 2.2, (iii) exceeds the limits set forth in the attached Appendix A, (iv) prevents effective operation of the Wastewater System, or (v) is prohibited by any Federal or State law, regulation, permit requirement or standard which is applicable to the Authority or Wastewater System. With respect to such Wastewater or waste, the Authority shall have the option to:

- (a) reject the waste or Wastewater;
- (b) require satisfactory Pretreatment as provided in Chapter 3; and/or
- (c) require the User pay to the Constituent Municipality within which the User is located and/or to the Authority for the added costs of handling and treating the waste or Wastewater.

SECTION 2.2 PROHIBITED WASTES AND WASTEWATER. The prohibited wastes and Wastewater referenced in Section 2.1 are as follows:

- (a) Waste or Wastewater for which a Wastewater Discharge permit under Chapter 4 is required if such permit is not obtained or valid.
- (b) Materials which can, alone or by interaction with other substances, cause fires or can be explosive, including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and stoddard solvents and/or any wastestream with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius (using methods specified in 40 CFR 261.21 or its successors).
- (c) Any Wastewater or waste with a pH of less than 6.5 or greater than 9.5.
- (d) Solid or viscous substances which will obstruct the flow in Sewers or otherwise interfere with the proper operation of the Wastewater System including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, or paunch manure, or any material which can be disposed of as trash.
- (e) Any Wastewater or waste containing substances released in a Discharge at a flow rate and/or Pollutant concentration which:



- (1) causes the WWTP Discharge to exceed the allowable concentrations of substances established by the Authority's NPDES Permit or by the General Rules of the Water Resources Commission under Part 31 of the Natural Resources and Environmental Protection Act, Michigan Act 451 of 1994, as amended;
  - (2) causes the WWTP sludges to exceed the allowable levels of substances as established by the EPA which causes restricted use of these sludges;
  - (3) interferes with the operation of the WWTP;
  - (4) causes a release to the atmosphere in quantities which violate the Rules under Part 55 of the Natural Resources and Environmental Protection Act, Michigan Act 451 of 1994, as amended; or
  - (5) which may cause Interference as determined by the Authority or other governmental entity with jurisdiction.
- (f) Any Wastewater or waste having a temperature exceeding 150 degrees Fahrenheit or which causes the influent to the WWTP to exceed a temperature of 104 degrees Fahrenheit or which inhibits biological activity in the WWTP.
  - (g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
  - (h) Any toxic, noxious, or malodorous gas, or any gas, vapor, fumes, or a Pollutant which results in the presence of such gas, vapor, or fumes which would injuriously affect the safety or health of the public or the employees of the Authority or work substantial annoyance, inconvenience, or injury to the public.
  - (i) Any Hauled Waste, except as where and when specifically designated in writing by the Authority.
  - (j) Garbage which is not shredded to such a degree that: (i) all particles can be carried freely under the flow conditions normally prevailing in the Wastewater System and (ii) no particle is greater than one-half (1/2) inch in any dimension.
  - (k) Any Wastewater or waste having corrosive properties capable of causing damage or hazards to structures, equipment, and/or personnel of the Wastewater System.
  - (l) Any substance which may cause a public Nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair, as determined by the Authority or other governmental entity with jurisdiction.
  - (m) Any Wastewater or waste which:

- (1) contains a toxic or poisonous substance or has a high chlorine demand in sufficient quantity to injure or interfere with the Wastewater Treatment process or the WWTP;
  - (2) contains over-strength conventional wastes in sufficient quantity to injure or interfere with the Wastewater Treatment process or the WWTP;
  - (3) constitutes a hazard to humans or animals; or
  - (4) creates any hazard in the receiving waters or the effluent of the WWTP.
- (n) Any Wastewater or waste containing Pollutant levels exceeding the Local Limits identified in attached Appendix A. Where applicable State or Federal law mandates lower maximum concentrations, such limits shall supersede the limits set forth in and shall be incorporated by reference into Appendix A. The Authority may impose mass limitations and/or seasonal limitations in addition to or in place of the concentration limitations in Appendix A.
- (o) Any Discharge of nitrates, sugars, or other nutrients, or Wastewater or waste containing these items, shall be limited as necessary to prevent adverse effects on the Wastewater Treatment processes and the WWTP and to prevent the stimulation of the growth of algae, weeds, and slimes which are or may become injurious to the water supply, the recreational use of water, fish, wildlife, or other aquatic life.
- (p) Any Wastewater or waste containing very light suspended solids (such as potato skins, fats, cooking oils, grease or cottage cheese whey) or any other constituent of such character and quantity that unusual attention or expense is required for the WWTP to maintain the Wastewater System to effectively treat such Wastewater or waste.
- (q) Any Wastewater containing turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to the Wastewater System or WWTP.
- (r) Any hazardous waste, or any waste which if otherwise disposed of would be defined as hazardous waste under 40 CFR Part 261.
- (s) Any radioactive waste or isotopes.
- (t) Any sludge, precipitate, or congealed substance which results from an industrial or commercial process or which results from the Pretreatment of Wastewater, waste, or air Pollutants.

- (u) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage from footing drains or otherwise, deionized water, non-contact cooling water, and unpolluted air conditioning or unpolluted industrial process water, unless specifically authorized by the Authority. Such written authorization, if granted, shall be on the conditions and subject to such charges as determined by the Authority. Nothing contained in this Section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of these Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to discharge substances as specified in such permit but instead only a temporary permissive right to discharge within the limits of such written authorization.
- (v) Any water from a dewatering operation, without prior written authorization by the Authority. Such written authorization, if granted, shall be on the conditions and subject to such charges as determined by the Authority. Nothing contained in this Section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of these Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to discharge substances as specified in such permit but instead only a temporary permissive right to discharge within the limits of such written authorization.
- (v) Any water discharged from an environmental remediation project, without prior written authorization by the Authority. Such written authorization, if granted, shall be on the conditions and subject to such charges as determined by the Authority. Nothing contained in this Section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of these Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to discharge substances as specified in such permit but instead only a temporary permissive right to discharge within the limits of such written authorization.
- (w) Mercury, in any amount detectable at or above the MDL as provided in Section 2.5.

SECTION 2.3 NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Users shall comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, and such standards are hereby incorporated into these Rules and Regulations.

SECTION 2.4 LOCAL LIMITS. The Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) which shall be incorporated into these Rules and Regulations as Appendix A hereto. The Authority shall publish such limits or notice of adoption of such Local Limits and upon request shall make a list of such limits available.

SECTION 2.5 MERCURY PROVISIONS.

- (a) Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1, or other EPA-approved analytical procedure approved by the Authority. The MDL, developed in accordance with the procedure specified in 40 CFR Part 136, shall not exceed 0.2 ug/l for mercury, unless higher levels are appropriate in any particular instance due to matrix interference.

The evaluation of a potential matrix interference shall include, at a minimum, the following:

- (1) A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 ug/l in reagent water;
- (2) A demonstration that the MDL of 0.2 ug/l cannot be achieved in the effluent; and
- (3) A demonstration that an attempt has been made to resolve the matrix interference.

In cases where true matrix interference can be demonstrated, a Discharge-specific MDL will be developed in accordance with the procedure in 40 CFR Part 136. Discharge-specific MDLs will be incorporated into the Wastewater Discharge permit of an NDU.

- (b) Mercury Reduction Plans. To ensure that the maximum allowable mercury loading to the WWTP is not exceeded, the Authority may require any NDU with a reasonable potential to discharge mercury to develop, submit for approval, and implement an MRP. An MRP may be required by permit if the NDU has not violated the Local Limit for mercury, but the Authority has determined that a reasonable potential for such a violation may exist. An MRP shall be required when a NDU has violated the mercury Local Limit; in such case the MRP may be required by directive from the Authority or as part of a notice of violation, consent or administrative order or other enforcement action. At a minimum, an approvable MRP shall contain the following:

- (1) A written commitment by the NDU to reduce all Discharges of mercury in Non-Domestic Waste to levels below the MDL within the time frame specified by the Authority;
- (2) Within 60 days of notification by the Authority that an MRP is required, a NDU shall supply an initial identification of all potential sources of mercury which could be discharged to the Public Sewer;
- (3) Specific strategies for mercury reduction with time frames for implementation as specified by the Authority;

- (4) A program for sampling and analysis for mercury in the Discharge of Non-Domestic Wastes in accordance with EPA Method 245.1 or other EPA-approved analytical procedure approved by the Authority, if and as such a program is specified by the Authority;
- (5) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury in Discharges to below the specified MDL. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g., mercury Discharges are already near MDL), the demonstration should incorporate the following:
  - (i) Internal process monitoring documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury-containing reagents had previously been disposed, but have since been substituted with non-mercury-containing compounds);
  - (ii) Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by EPA Federal Register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location; and
  - (iii) Loading calculations wherein the NDU calculates the total mass of mercury reduced from Discharge to the Public Sewer through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
- (6) A report on the status of the mercury reduction efforts, as and when directed by the Authority. At a minimum, these reports shall: (i) identify compliance or non-compliance with specific reduction commitments in the MRP; (ii) summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date; (iii) provide all applicable analytical data; (iv) provide an evaluation of the effectiveness of actions taken to date; (v) provide updates to the initial list of mercury-containing compounds discharged to the Public Sewer and (vi) where applicable or necessary, propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury Discharge reduction efforts; and
- (7) Any other conditions that the Authority deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

- (c) Failure to submit an approvable MRP within 30 days after the required due date shall constitute SNC.
- (d) An MRP may be evaluated for adequacy at any time by the Authority. If such an evaluation determines that the MRP is inadequate, or the NDU has not complied with its approved MRP, the NDU will be notified. Failure to comply with the MRP requirement constitutes non-compliance and will subject the User to enforcement actions as described in these Rules and Regulations and/or the Authority's ERP.
- (e) A NDU may request a release from MRP requirements if (i) four (4) consecutive samples of Discharge show mercury concentrations less than the specified MDL; (ii) the NDU has complied with the minimum monitoring frequency specified by the Authority; and (iii) the Authority deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. In order to be effective, any release from MRP requirements must be obtained from the Authority in writing.

If the MRP requirement is released (waived) by the Authority, the NDU remains subject to the Local Limit for mercury in accordance with the requirements of this Chapter.

Re-discovery of mercury in the NDU's Discharge shall subject the User to the submission of a new MRP or escalation of enforcement in accordance with these Rules and Regulations and/or the Authority's ERP.

SECTION 2.6 AFFIRMATIVE DEFENSES. A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subdivision (iii) of Section 2.1 and the specific prohibitions in subsections (d), (e), (f) and (g) of Section 2.2 where the User can demonstrate that:

- (a) It did not know or have reason to know that its Discharge alone or in conjunction with a Discharge or Discharges from other sources would cause Pass Through or Interference; and
- (b)
  - (1) A Local Limit designed to prevent Pass Through and/or Interference, as the case may be, was established pursuant to Section 2.4 for each Pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such Local Limit directly prior to and during the Pass Through or Interference; or
  - (2) If a Local Limit designed to prevent Pass Through and/or Interference, as the case may be, has not been established for the Pollutants that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in

nature or constituents from the User's prior discharge activity when the Authority was regularly in compliance with its NPDES Permit and in the case of Interference, applicable requirements for sludge use or disposal.

SECTION 2.7 OPERATING UPSETS. Any CIU which experiences an Upset (as defined in these Rules and Regulations and/or in 40 CFR 403.16, as amended, or its successors) in operations which places the CIU in a temporary state of non-compliance with these Rules and Regulations or whose Discharge could cause problems or damages to the Wastewater System (as determined by the Authority), shall immediately telephone and notify the Authority thereof. A written follow-up report thereof shall be filed by the User with the Authority within five (5) days. The report shall specify:

- (a) Description of the Upset, the cause thereof and the Upset's impact on the User's compliance status.
- (b) Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an Upset or other conditions of non-compliance.
- (d) A timely documented and verified bona fide operating Upset shall be an affirmative defense to any enforcement action brought by the Authority against a User for any non-compliance with a Categorical Pretreatment Standard which arises out of violations alleged to have occurred during the period of the Upset if:
  - (1) The User demonstrates, through properly signed, contemporaneous operating logs or other evidence:
    - (i) The cause of the non-compliance;
    - (ii) That the non-compliance was unintentional and temporary;
    - (iii) That the facility was being operated in a prudent manner in compliance with all applicable operation and maintenance procedures;
    - (iv) That the non-compliance was caused by factors beyond the reasonable control of the User and not caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation; and
  - (2) The User reports the non-compliance as required by this Section.

SECTION 2.8 BYPASSES. Bypasses (as defined in the applicable Federal regulations) are prohibited unless the Bypass is unavoidable or necessary to prevent loss of life, personal injury or Severe Property Damage.

- (a) Anticipated Bypass. An anticipated Bypass shall be reported to the Authority at least ten (10) days before the date of the Bypass, if possible, or as far in advance as reasonably possible if less than ten (10) days. The Superintendent or IPP Coordinator may, at his discretion, approve an anticipated Bypass after considering its potential adverse effects, if the Bypass is unavoidable to prevent loss of life, personal injury, or Severe Property Damage; if there is no feasible alternative; and if the User submits notice as required above; and/or as subject to the provisions of 40 CFR 403.17(d).
- (b) Unanticipated Bypass. A User shall give the Authority oral notice of an unanticipated Bypass as soon as possible, and not later than 24 hours from the time the User becomes aware of the Bypass.
- (c) Bypass Report. The Authority may require a written report of the Bypass. The report shall contain the description and cause of the Bypass, duration (exact dates and times), and steps taken or planned to be taken to reduce, eliminate and prevent reoccurrence of the Bypass. A Bypass report shall be signed by an Authorized Representative.
- (d) Bypass Affirmative Defense. Subject to the requirements and limitations set forth above, a User shall have an affirmative defense to an action brought for non-compliance with or violations of Pretreatment Standards if the User demonstrates that:
  - (1)
    - (i) The Bypass did not cause a violation of any Pretreatment Standard or requirement, and
    - (ii) The Bypass was essential for maintenance necessary to ensure efficient operation, and
    - (iii) The User submitted any reports required under this Section in a timely manner; or
  - (2)
    - (i) The Bypass was unavoidable to prevent loss of life, personal injury, substantial physical damage to property, damage to treatment facilities that would cause them to become inoperable, or substantial and permanent loss of natural resources, but not merely economic loss caused by delays in production;



- (ii) The User had no alternative to the Bypass, such as using auxiliary treatment facilities, retention of untreated waters, or maintenance during normal periods of equipment downtime;
- (iii) If the Bypass occurred during normal periods of equipment downtime or equipment maintenance, reasonable engineering judgment indicates that back-up equipment was not justified; and
- (iv) The User submitted any reports required under this Section in a timely manner.

SECTION 2.9 DILUTION. Except as expressly authorized under applicable Categorical Pretreatment Standards, no User shall increase the use of potable or process water, nor mix separate wastestreams for the purpose of diluting a Discharge, or otherwise dilute a Discharge in any way as a partial or complete substitute for adequate Treatment to achieve compliance.

## CHAPTER 3

### PRETREATMENT OF WASTEWATER

SECTION 3.1 PRETREATMENT FACILITIES. Users shall provide Wastewater Pretreatment or Treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set in Sections 2.1 and 2.2 of these Rules and Regulations within the time limitations specified by the EPA, State, or Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of installing, operating, or modifying such facilities as necessary to produce a Discharge acceptable to the Authority under the provisions of these Rules and Regulations.

Where Pretreatment or Treatment is required by this Section for a New Source, all pollution control or Pretreatment equipment must be installed, in operational condition, and put into operation prior to the New Source beginning to discharge to the Wastewater System. New Sources shall meet all applicable Pretreatment Standards by no later than 90 days of beginning to discharge. If a compliance schedule is required by the Authority or other applicable law, such User shall adhere to such compliance schedule. Where Pretreatment or Treatment is required by this Section, and the User is already discharging waste or Wastewater into the Wastewater System, the User shall, at the request of the Authority, comply with a schedule established by the Authority (after requesting and/or receiving input from the User), which shall specify by date those items which are to be accomplished by the User to complete all necessary preliminary treatment facilities and to bring the waste and Wastewater being discharged into compliance with all requirements of these Rules and Regulations. The Authority may require that such compliance schedule include liquidated damage provisions for failure to comply with the schedule.

### SECTION 3.2 ADDITIONAL PRETREATMENT MEASURES.

- (a) Whenever deemed necessary, the Authority may require Users to restrict their Discharge during peak flow periods, designate that certain Wastewater be discharged only into specific locations, relocate and/or consolidate points of discharge, separate Sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the Wastewater System and determine the User's compliance with the requirements of these Rules and Regulations.
- (b) The Authority may require any person discharging into the Wastewater System to install and maintain, on their property and at their expense, a suitable storage and/or flow-control facility to ensure equalization of flow. A Wastewater Discharge permit may be issued solely for flow equalization.

- (c) Grease, oil, and sand interceptors shall be provided and maintained when, in the opinion of the Authority, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for Domestic Users. All interception units shall be of a type and capacity approved by the Authority, shall comply with the applicable local ordinances of the Constituent Municipality in which the discharging facility is located, and be in a location easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at the User's expense.
- (d) Users with the potential to discharge flammable substances may be required by the Authority to install and maintain an approved combustible gas detection meter.

### SECTION 3.3 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS.

The Authority shall evaluate whether each SIU needs an accidental Discharge/Slug Discharge control plan or other action to control Slug Discharges as required by applicable law, or more often as determined by the Authority at its discretion. The Authority may require any User to develop, submit for approval, and implement such a plan, or take such other action as may be necessary to control Slug Discharges. Alternatively, the Authority may develop such a plan for any User, at the User's expense. The adequacy of such plan and frequency at which such plan will be evaluated shall be determined by the Authority pursuant to the provisions of 40 CFR 403.8(f)(2)(vi). The Authority shall evaluate the need for such a plan at least once every two (2) years. Such a plan shall include the following:

- (a) description of discharge practices, including non-routine Batch Discharges;
- (b) description of stored chemicals;
- (c) procedures for immediately notifying the Authority of any accidental or Slug Discharge, as required by Section 5.4; and
- (d) procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, 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 (including solvents), and/or measures and equipment for emergency response.

The Authority may require, as part of such plan, that the User provide, at his expense, suitable containment facilities within a time period specified by the Authority. Plans, specifications and other pertinent information relating to the proposed containment facilities shall be prepared and submitted by the User for approval by the Authority, and no construction of such facilities shall be commenced until approval by the Authority is given in writing. Such containment facilities shall be maintained continuously in satisfactory condition by the User at his cost.

#### SECTION 3.4 HAULED WASTE.

- (a) Hauled Waste may be introduced to the Wastewater System only at such locations and at such times as are established and designated by the Authority. Such waste shall be subject to the limitations and the requirements established or imposed by the Authority and shall be subject to the Authority's then-current Septage Operating Plan. The Authority may require waste haulers to obtain individual Wastewater Discharge permits and/or to pay surcharges for high-strength Wastewater.
  
- (b) Trucked or hauled Industrial Waste shall not be discharged to the Wastewater System unless first approved in writing by the IPP Coordinator and only at such locations and at such times as are established and designated by the Authority. Such waste shall be subject to the limitations and requirements in Chapter 2 of these Rules and Regulations and any other requirements established by the Authority or any Constituent Municipality, and shall be subject to the Authority's then-current Septage Operating Plan. Such waste shall be characterized to determine its source and whether it is subject to Categorical Pretreatment Standards. The Authority may require Industrial Waste haulers to obtain individual Wastewater Discharge permits.

## CHAPTER 4

### DISCHARGE PERMIT

SECTION 4.1 WASTEWATER ANALYSIS. All NDUs proposing to connect to or to contribute Wastewater or waste to the Wastewater System shall submit such information as the Authority shall reasonably request regarding their processes and Discharge before connecting to or contributing to the Wastewater System. All existing NDUs connected to or contributing to the Wastewater System shall promptly submit such information on their processes and Discharge as the Authority shall reasonably request, and additionally shall notify the Authority in advance of substantial changes in volume or characteristics of the User's Discharge as provided in 40 CFR 403.12(j). Such information shall be submitted for all New Sources at least 90 days (or more, if required by applicable Federal and/or State statutes or regulations) prior to connection to the Wastewater System or the commencement of discharge to the Wastewater System. The information submitted shall be sufficient for the Authority to determine the impact of the User's Discharge on the Wastewater System and the need for Pretreatment, shall include a BMR containing all information described in subsections (a) through (n) below, and shall be signed by an Authorized Representative of the User as defined in 40 CFR 403.12(l). Copies of all such information submitted or required to be submitted by a User shall be maintained on file by the User. Without limiting the generality of the foregoing requirements, the information which may be required pursuant to this Section may include any or all of the following:

- (a) name, address, and location of the subject facility, name of the owner and operator of the facility, and its/their mailing address and contact information, if different;
- (b) description and copies of all environmental permits applicable to the subject facility;
- (c) SIC number according to the SIC Manual, Federal Bureau of the Budget, 1972, as amended, and/or NAICS code;
- (d) description of Wastewater constituents and characteristics including, but not limited to those mentioned in these Rules and Regulations, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR Part 136, as amended;
- (e) time and duration of Discharges;
- (f) average daily and instantaneous peak Wastewater flow rates from each wastestream to be Discharged, in gallons per day, including daily, monthly and seasonal variation, if any. All flows shall be measured unless other verifiable techniques are approved by the Authority due to cost or lack of feasibility;

- (g) site plans, floor plans, mechanical and plumbing plans (including non-contact water cooling systems) and details to show all sewers, sewer connections and other discharge points, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
- (h) description of activities, facilities and plant processes on the premises, including all materials which are or may be discharged to the Wastewater System;
- (i) description of the nature of each product produced by type, amount, or processes, and rate of production;
- (j) actual or projected number and type of employees and hours of operation;
- (k) description of the types of waste generated, a list of all raw materials and chemicals utilized or stored on the premises, and the type and amount of each raw material and chemical used or processed, in average and maximum per day;
- (l) Where additional Pretreatment and/or operation and maintenance activities will be required to comply with these Rules and Regulations, the User shall provide a declaration of the shortest schedule by which the User will provide such additional Pretreatment and/or implement additional operational and maintenance activities. This schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment facilities required for the User to comply with the requirements of these Rules and Regulations, including but not limited to, dates relating to hiring an engineer and/or other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with these Rules and Regulations. No increment in this schedule shall exceed nine (9) months unless the User can establish, to the satisfaction of the Authority, that a time period of more than nine (9) months is required. The Authority may require revision of any such schedule or schedule increment as a pre-condition of any and all Discharges or the further Discharges by the User to the Wastewater System;
- (m) New Users or existing Users which propose to implement new Discharges of Wastewater or waste which will contain measurable amounts of any substances detected in EPA 600 series or 8000 series analytical methods, for which the Authority has not previously established a Local Limit, shall submit to the Authority an estimate of the concentrations and quantities of these substances prior to implementing the Discharge. The Authority shall determine the need to establish limits for the substances based on these estimates; and

- (n) any other information as may be deemed necessary by the Authority or required by 40 CFR 403.12, by amendments and/or successors thereto, or by other applicable law.

SECTION 4.2 WHEN PERMIT REQUIRED. All CIUs shall obtain and maintain from the Authority a valid Wastewater Discharge permit as a precedent to making any Discharge to the Wastewater System. In addition, any SIU or other person so directed by the Authority shall obtain and maintain from the Authority a valid Discharge permit as a condition precedent to making any Discharge to the Wastewater System. The Authority may, in its discretion, require that any existing User, potential User or New Source procure and maintain in effect a Wastewater Discharge permit, issued by the Authority, as a condition precedent to discharging to the Wastewater System.

SECTION 4.3 PERMIT APPLICATION. Every existing or potential User required to procure a Wastewater Discharge permit pursuant to this Chapter shall apply for such permit in the form and manner prescribed by the Authority. The application shall include all facts and information necessary for the Authority to reasonably consider and evaluate the granting or denial of the Wastewater Discharge permit. To be valid, all permit applications must be certified by an Authorized Representative of the User as follows:

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

SECTION 4.4 PERMIT APPROVAL. Upon receipt of a completed permit application, the Authority shall, within a reasonable time, grant or deny the requested Wastewater Discharge permit. However, the permit shall not be effective prior to the time that the prospective or current User delivers to the Authority a copy of the permit executed by an Authorized Representative of the User. During the pendency of an application, an existing User may continue to discharge to the Wastewater System subject, however, to full compliance with these Rules and Regulations, the Sewer Use Ordinance in effect in the Constituent Municipality within which the User is located, and all other applicable provisions of local, State and Federal law. A Wastewater Discharge permit may be granted with such conditions and restrictions as the Authority shall reasonably determine to be necessary or appropriate. These conditions and restrictions may be amended during the term of the permit, on written notice to the permit holder, as the Authority shall determine to be reasonably necessary or appropriate to allow the WWTP to operate effectively, to comply with all applicable provisions of local, State and Federal law, to prevent any detriment to the Wastewater

System, the receiving stream, or the use or disposal of sludge, or to meet the requirements of all permits applicable to the Wastewater System operation.

SECTION 4.5 PERMIT FEE. The Authority shall establish the fee to be paid to the Authority for a Wastewater Discharge permit, if any. A fee structure has been established as part of the Authority's IPP and can be changed at any time, at the Authority's discretion.

SECTION 4.6 PERMIT EXPIRATION AND RENEWAL. All Wastewater Discharge permits, unless otherwise specified in the permit, shall expire three (3) years following issuance, or such shorter period as stated in the permit. The expiration date shall be stated on the face of the permit. The User shall be responsible to apply for renewal of any existing permit. An application for renewal of a permit shall be filed at least 120 days prior to the expiration of the existing permit, and shall be considered in the same manner as an original application.

SECTION 4.7 TRANSFER. In the event of any transfer in control or ownership of facilities from which authorized Discharge emanates, the User shall submit to the Authority 30 days prior to the actual transfer of ownership or control a written agreement between the current and new User containing (i) the legal name and address of the new owner; (ii) a specific date for the effective transfer of permit responsibility, coverage, and liability; and (iii) a certification of the continuity of or any changes in operations, Discharge, and/or Pretreatment or Treatment and a certification by the new User acknowledging his full responsibility for complying with the existing Wastewater Discharge permit. No permit shall be transferred to a different User or to a new or changed source or operation without the prior written consent of the Authority in its discretion, and any such proposed transfers shall be subject to all requirements of applicable State and Federal law.

If the new User is proposing changes in operations, Discharge, or Pretreatment or Treatment, the Authority may modify the User's Wastewater Discharge permit in accordance with applicable laws, rules, and regulations. Failure to provide advance notice of a transfer in control or ownership of facilities from which authorized Discharge emanates shall render the Wastewater Discharge permit void as of the date of the transfer.

#### SECTION 4.8 PERMIT DENIAL, SUSPENSION OR REVOCATION.

- (a) A Wastewater Discharge permit may be denied, revoked or suspended by the Authority at any time for any of the following causes:
  - (1) fraud, misrepresentation or any material false statement or material omission in the application for the permit;
  - (2) any violation of the conditions and restrictions included as part of the permit; or



- (3) any violation of these Rules and Regulations or the Sewer Use Ordinance in effect in the Constituent Municipality within which the permit holder is located.
- (b) Written notice of suspension or revocation, stating the cause or causes therefore, shall be delivered to the permit holder personally or mailed, by certified or registered mail, return receipt requested, to the permit holder's address as shown in the permit application.

SECTION 4.9 PERMIT MODIFICATION. The Authority may modify a Wastewater Discharge permit for good cause, including, but not limited to, the following reasons:

- (a) to incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements, including establishment of new or different Local Limits;
- (b) to address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the Wastewater Discharge permit's issuance;
- (c) a change in the Wastewater System that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
- (d) information indicating that the permitted Discharge poses a threat to the Wastewater System, Authority personnel, the receiving waters or the use or disposal of sludge;
- (e) violation of any terms or conditions of the Wastewater Discharge permit;
- (f) misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge permit application or in any required reporting;
- (g) revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13; or
- (h) to correct typographical or other errors in the Wastewater Discharge permit.

SECTION 4.10 VIOLATION OF PERMIT. A violation of any condition or restriction in a User's Wastewater Discharge permit shall be deemed a violation of these Rules and Regulations.

## CHAPTER 5

### DATA COLLECTION AND REPORTING REQUIREMENTS

SECTION 5.1 SAMPLING FACILITIES. When required by the Authority to assure adequate monitoring and control of waste or Wastewater Discharge, the User of any building or premises served by a Building Sewer shall install a suitable control vault or station in the Building Sewer to facilitate observation, sampling and measurement of the waste or Wastewater being discharged. All sampling and measurement locations required by these Rules and Regulations shall be designated or approved by the Authority. Such control vault or station shall be equipped by the User with a suitable composite sampler and continuous flow recorder. Such vault or station shall be accessible and safely located and shall be constructed in accordance with plans approved in writing by the Authority. Such vault or station shall be installed by the User at his cost and shall be maintained by him so as to be safe and accessible at all times. The person operating and maintaining such facilities shall, at the request of the Authority, submit to the Authority records or true copies thereof of the Wastewater or waste discharged and such other reports and information as shall be necessary to assess and assure compliance with these Rules and Regulations.

### SECTION 5.2 PRETREATMENT COMPLIANCE REPORTING.

- (a) Compliance Data Report. Within 90 days following the date for final compliance with an applicable Pretreatment Standard or Discharge limit referenced in Section 2.3 or Section 2.4, or in the case of a new waste or Wastewater, following commencement of introduction of the new waste or Wastewater into the Wastewater System, any User subject to Pretreatment Requirements pursuant to these Rules and Regulations shall submit to the Authority a written report signed by an Authorized Representative which shall indicate the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Pretreatment Standards or Discharge limits and the average and maximum daily flow for those process units in the User's facility which are limited by such Pretreatment Standards or Discharge limits. The report shall also include any additional information requested by the Authority or required by any State or Federal regulations. - The report shall state whether the applicable Pretreatment Standards or Discharge limits are being met on a consistent basis and, if not, what additional operational and maintenance activities or Pretreatment are necessary to bring the User into compliance with the applicable Pretreatment Standards or Discharge limits.
- (b) Periodic Compliance Reports. Any CIU or other SIU subject to Pretreatment Standards or Discharge limits shall submit to the Authority semi-annually, unless required more frequently by the applicable Pretreatment Standard, Authority, or by Federal regulations, a report signed by an Authorized Representative which shall indicate the nature and concentration of the Pollutants in the effluent which are limited by the applicable Pretreatment Standard or Discharge limit. This report shall include measured or estimated average and maximum daily flows for the reporting

period, or a record of all daily flows if directed by the Authority. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Standard or the Authority which is necessary or appropriate to determine the compliance status of the User. In the discretion of the Authority, and after considering such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may alter the months during which the above reports are to be submitted.

(c) Special Reports.

(1) In those instances where a schedule of additional Pretreatment and/or implementation of additional operational and maintenance activities has been submitted pursuant to these Rules and Regulations or an Order, Notice or compliance schedule issued by the Authority, not later than 14 days following each milestone date in that schedule and the final date for compliance, the User shall submit to the Authority a progress report signed by an Authorized Representative pursuant to applicable Federal regulations, which shall include no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction and/or maintenance activities to the schedule. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

(2) Any User that anticipates or makes a Batch Discharge shall provide such additional monitoring reports as and when requested by the Authority, at its discretion.

(3) Any User shall provide any additional monitoring reports as and when reasonably requested by the Authority.

(d) All Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

(e) As required by 40 CFR 403.12(g)(6), if a User monitors any Pollutant more frequently than required by the Authority, the User shall report the results of such monitoring to the Authority.

- (f) Any User shall report to the Authority any violation of the terms of its Wastewater Discharge permit and/or these Rules and Regulations as soon as possible and always within 24 hours of learning of the violation.
- (g) In the event any User violates any Discharge limit contained in its Wastewater Discharge permit, these Rules and Regulations, and/or State or Federal statute, rule or regulation, it shall resample its effluent for the Pollutants causing the violation and provide the results to the Authority within 30 days, unless required sooner by the Authority. Resampling by the User is not required if the Authority has performed the resampling and analysis in lieu of the User.
- (h) It is the responsibility of the User to pay for the cost of any sampling and analyses conducted. A User may be billed by the Authority or Constituent Municipality within which it is located for services rendered by the Authority in regard to sampling Discharge at the User's facility and any associated laboratory fees, delivery fees, etc.
- (i) In its discretion, in lieu of, or in addition to that required of the User, the Authority may perform any sampling or analysis required under this Section. Such sampling and/or analysis shall not relieve a User from its obligation to perform any other sampling and/or analysis required by applicable law, these Rules and Regulations, or Wastewater Discharge permit.

SECTION 5.3 CERTIFICATION STATEMENTS. All reports required under this chapter shall be signed by an Authorized Representative of the User who is a legally-authorized signatory as defined in 40 CFR 403.12(l), and shall contain the following certification statement:

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

SECTION 5.4 ACCIDENTAL SPILLS OR BATCH OR SLUG DISCHARGES.

- (a) In the case of an accidental spill or unanticipated non-customary Batch Discharge, the User shall immediately telephone and notify the Authority of the incident. This notification shall include the location of the spill, type of waste, concentration, volume, and corrective action taken by the User.

- (b) In the case of an anticipated non-customary Batch Discharge, the User shall provide verbal and written notice to the Authority as far in advance of the anticipated Discharge as possible. The User shall also immediately notify the Authority by telephone of the actual occurrence of the anticipated Discharge, or as soon as possible that the potential of the anticipated Batch Discharge has passed.
- (c) The verbal notices shall be followed up, within five (5) days of the spill or Discharge, with a detailed written report from the User to the Authority describing the cause of the Discharge and the measures to be taken by the User to prevent similar future occurrences. This notification shall not relieve the User of any expense, loss or damage, or other liability which may be incurred as a result of the damage to the Wastewater System or any other damage to person, property or natural resources resulting from the Discharge. In addition, such notification shall not relieve the User of any fines, penalties or other liabilities which may be imposed pursuant to these Rules and Regulations or other applicable ordinance, law, rule or regulation.
- (d) Users shall notify the Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### SECTION 5.5 SAMPLING REQUIREMENTS.

- (a) Except as indicated in subsections (b) and (c) below, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the Discharge. Using protocols specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of Baseline Monitoring and 90-Day Compliance Reports required in Section 4.1 and 5.2(a), a minimum of four (4) Grab Samples must be collected to assess levels of pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the

Authority may authorize a lower minimum number of Grab Samples. For the reports required pursuant to Section 5.2(b), or other reports required of CIUs and other SIUs, the User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements.

**SECTION 5.6 RECORDKEEPING.** Users subject to the reporting requirements of these Rules and Regulations shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, any other records related to compliance requirements under these Rules and Regulations obtained or generated by the User, and documentation associated with BMPs. Records shall include the date, exact place, method, and time of sampling; the names of the persons collecting the samples; the dates analyses were performed; the names of the persons who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Authority. Such records shall be made available for inspection and copying at the request of the Authority, EGLE or EPA.

**SECTION 5.7 HAZARDOUS WASTE NOTIFICATION.** A User shall notify, in writing, the Authority, EPA Regional Waste Management Director and appropriate hazardous waste authorities of EGLE of any Discharge to the Wastewater System of a substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. Such notification must include the information and be made within the time frame as required in 40 CFR 403.12(p) and as required by any other applicable law.

**SECTION 5.8 MEASUREMENT.**

- (a) All measurements, tests and analyses of the characteristics of Wastewater and waste to which reference is made in these Rules and Regulations shall be determined in accordance with the methods set forth in 40 CFR Part 136, or, if specifically authorized by EGLE and/or EPA, alternatively in accordance with "Standard Methods for Examination of Water and Sewage," as amended; a joint publication of the American Public Health Association, American Water Works Association, and Water Environment Federation, or similar successor publication. All determinations shall be made based on samples taken at a location designated by the Authority. If no location has been required, then such determination shall be made at the nearest downstream manhole in the Public Sewer from the point at which the Building Sewer is connected to the Public Sewer and/or in such locations as the Authority determines to provide representative data.

- (b) For purposes of BMRs and Compliance Reports required under Section 5.2, samples must be taken and analyzed as required under Section 5.5(c), or as otherwise required under 40 CFR 403.12 (b)(5).
- (c) If and to the extent allowed by State law, the Authority may convert Pollutant Discharge limits expressed as concentration limits to equivalent mass-per-day limits, as determined pursuant to 40 CFR 403.6(c) and/or other applicable law.

SECTION 5.9 CONFIDENTIAL INFORMATION. Information and data concerning a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and other governmental agencies without restriction, subject to the provisions set forth below and applicable State and Federal law.

A User may specifically request that such information and data not be divulged because it is information, processes or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics shall not be considered as confidential information.

To the extent permitted by law, information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority unless authorized by the User. If the User refuses to authorize transmittal of information to a person requesting it, the User shall defend such request and/or indemnify and hold the Authority harmless from the costs, expenses and liability resulting from the denial of such request. However, notwithstanding any other provision of this Section, EPA and/or EGLE shall have immediate and unlimited access to (subject to the confidentiality rules applicable to it) any information, whether or not it is otherwise deemed confidential, collected or maintained by the Authority.

SECTION 5.10 INSPECTION AND RIGHT OF ENTRY.

- (a) Representatives of the Authority, EGLE and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any User who may be subject to the requirements of these Rules and Regulations. NDUs shall allow authorized representatives of the Authority, EGLE and EPA access to all premises for the purpose of inspecting, sampling, installing and accessing monitoring equipment, and examining or copying records in the performance of their duties. Authorized representatives of the Authority, EGLE and EPA shall have the right to place on the User's property such devices as are necessary to conduct sampling and monitoring. Where a User has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the User shall make necessary arrangements at its own expense to enable authorized representatives of the Authority, EGLE, and EPA to enter and inspect the premises as guaranteed by this paragraph.
- (b) (1) Representatives of the Authority, upon showing proper identification, shall have the right to enter and inspect the premises of any Domestic User or

NDU for the purpose of inspecting any piping or connection to the Wastewater System for unauthorized connection of roof drains, footing drains, or other storm water or groundwater discharges to the Wastewater System. Upon request by an authorized representative of the Authority, the owner, lessee, or occupant of any User's premises shall furnish to the Authority any pertinent information regarding the piping system or systems on such premises. Refusal to provide such requested access or information shall be deemed evidence of the presence of an unauthorized connection and the Discharge of storm water or groundwater.

- (2) If an authorized representative of the Authority has been refused access to any part of a User's premises, and the Authority is able to demonstrate probable cause that a violation of these Rules and Regulations has occurred or demonstrate that there is a need to inspect as part of a routine inspection and sampling program designed to verify compliance with these Rules and Regulations or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Authority may seek issuance of a search warrant from any court of competent jurisdiction.



## CHAPTER 6

### VIOLATIONS AND REVIEW OF DECISIONS

SECTION 6.1 NOTIFICATION OF VIOLATION. Whenever the Authority finds that any User has violated, or continues to violate these Rules and Regulations, or a permit or order issued hereunder, the Authority may serve or cause to be served upon such User a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within the time designated by the Authority, but in any case, within 30 days of the date of receipt of the notice, the User shall respond advising of the User's position with respect to the allegations personally or in writing to the Authority. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof. This provision shall be in addition to and shall not restrict the Authority's right to take other enforcement measures allowed by these Rules and Regulations or by other applicable law. No actions or responses contemplated in this Section shall relieve the User of liability for any violations occurring before or after receipt of the notice of violation or the User's response thereto.

### SECTION 6.2 OTHER ADMINISTRATIVE ACTIONS.

- (a) Consent Orders. The Superintendent 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 non-compliance. Such orders shall include specific actions to be taken by the User, including but not limited to compliance schedules, stipulated fines and/or remedial actions, and shall include signatures of Authorized Representatives of the User and Authority.
- (b) Show Cause Order. The Superintendent may order any User which causes or contributes to violation of these Rules and Regulations, a Wastewater Discharge permit or order issued hereunder to attend a hearing to show cause as to why a proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. Whether or not a duly-notified User appears as noticed, enforcement action may be pursued, as appropriate.
- (c) Compliance Order. When the Superintendent finds that a User has violated or continues to violate these Rules and Regulations or a permit or order issued thereunder or other Pretreatment Standard or requirement, he may issue an order to the User responsible for the Discharge directing that, following a specified time period, sewer service be discontinued unless adequate Treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and that compliance is achieved. Orders may also contain such other requirements as may be reasonably necessary or appropriate to address the non-compliance, including the installation of Pretreatment technology; additional self-monitoring

and management practices designed to reduce the amount of or impact from Pollutants discharged to the Wastewater System; and waste, Wastewater and/or hazardous materials management practices. A Compliance Order does not relieve a User of liability for any violation.

- (d) Cease and Desist Orders. When the Superintendent finds that a User has violated or continues to violate these Rules and Regulations or any permit or order issued hereunder, or any other Pretreatment Standard or requirement, he may issue an order to the User to cease and desist all illegal or unauthorized Discharges and/or violations immediately.
  - (1) In an emergency, the cease-and-desist order may be given verbally.
  - (2) The cease-and-desist order may be used to suspend or permanently revoke Wastewater Discharge permits.
  - (3) The cease-and-desist order may order the User to take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating Discharges to the Wastewater System.
- (e) Administrative Fines or Penalties. Notwithstanding any other Section of these Rules and Regulations, any User who is found to have violated any provision of these Rules and Regulations or permits and orders issued hereunder shall be subject to a fine or penalty in an amount not to exceed \$1,000.00 per violation, or such greater amount as is permitted by law. Each day on which each violation shall occur or continue shall be deemed a separate and distinct violation, and in the case of monthly or other long-term average limits, each day during the period of violation shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Authority and/or Constituent Municipality shall have such other collection remedies as they may have under applicable law to collect other charges for service. A User desiring to dispute such fines or penalties must file a request for the Authority to reconsider the fine or penalty pursuant to Section 6.3.
- (f) Notwithstanding the preceding paragraph, the schedule of guidelines for fines set forth in the ERP, as may be amended by resolution of the Authority Board from time to time, shall be applicable. If a User agrees to and enters into an Administrative Consent Order pursuant to Section 6.2(a), the Authority and the User may agree on a different fine amount as the Authority determines to be acceptable in light of applicable circumstances.
- (g) Emergency Suspensions.
  - (1) The Authority may suspend the Wastewater service and/or Wastewater Discharge permit of a User whenever such suspension is necessary in order

to stop an actual or threatened Discharge which reasonably appears to present or cause imminent or substantial endangerment to the health or welfare of persons, the Wastewater System, or the environment.

- (2) Any User notified of a suspension of Wastewater service and/or its Wastewater Discharge permit shall immediately stop or eliminate its Discharge to the Wastewater System. In the event that a User fails to immediately comply voluntarily with the suspension order, the Authority shall take such steps as it deems necessary, including immediate severance of the sewer connection to prevent or minimize damages to the Wastewater System, its receiving stream, or endangerment to any individuals. The Authority may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Authority that the endangerment has passed, unless it institutes termination of the User's Wastewater Discharge permit as provided in subsection (h) of this Section.
  - (3) A User that is responsible, in whole or in part, for imminent or substantial endangerment to the health or welfare of persons, the Wastewater System, or the environment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority within five (5) days, or such other time as determined by the Authority, and in any case prior to the date of any administrative review conducted pursuant to these Rules and Regulations. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection (g).
- (h) Termination of Permit. A Wastewater Discharge permit may be terminated for any of the following:
- (1) Violation of permit conditions or any Pretreatment Standard or requirement;
  - (2) Failure to accurately report the Wastewater constituents and characteristics of its Discharges;
  - (3) Failure to report significant changes in operations or Wastewater constituents and characteristics prior to such changes;
  - (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
  - (5) Falsifying reports or certification statements;
  - (6) Misrepresentation of or failure to fully disclose any information required to be submitted to the Authority under these Rules and Regulations;

- (7) Tampering with equipment related to the collection of data used to determine compliance;
- (8) Failure to pay any fees, charges, costs or fines;
- (9) Violation of an order issued pursuant to these Rules and Regulations, including without limitation, any compliance schedule; or
- (10) Violation of any applicable State or Federal law.

Non-compliant Users will be notified of the proposed termination of their Wastewater Discharge permit and in nonemergency situations shall be offered an opportunity to show cause under subsection (b) of this Section as to why the proposed action should not be taken.

### SECTION 6.3 ADMINISTRATIVE REVIEW OF AUTHORITY DECISIONS.

- (a) Introduction. The procedures set forth in this Section shall be used to review Authority decisions under these Rules and Regulations.
- (b) Initial Review.
  - (1) Any person aggrieved by a decision under these Rules and Regulations may petition that the Authority review its decision.
  - (2) The Authority, through its Superintendent, shall review a decision according to this subsection if it receives a petition for review within 30 days after the person petitioning review received notice of the decision, except as provided in subsection (c) of this Section. Failure by the User to timely submit an administratively complete petition for review shall be deemed a waiver of the administrative review and the original decision shall be deemed final and not subject to further review.
  - (3) A request for review shall be in writing and shall contain facts and arguments supporting modification or reversal of the decision.
  - (4) Within 15 days after receiving the request for review, the Superintendent shall review the decision or provide to the person requesting review notification of when the review will be complete. The Superintendent may affirm, reverse, or modify the initial decision. The Superintendent shall provide to the person requesting review a written decision and the reasons for the decision. If the decision is adverse to the party requesting review, such party may initiate an appeal as provided in subsection (c) of this

Section. If the Superintendent fails to act within the time indicated in or pursuant to this subsection, the petition shall be deemed denied.

- (c) Any User whose permit is revoked or suspended, any User or potential User whose application for a permit is denied, or any User or potential User whose permit is conditioned or restricted in a manner which is unacceptable to the applicant shall have the right to a hearing before the Authority Board to review the decision on a timely filed petition for review under subsection (b) of this Section, provided a written request therefore is filed with the Authority within ten (10) days following the delivery or mailing of the decision by the Authority pursuant to subsection (b) of this Section, or within ten (10) days following the denial of the application for a permit or the granting of a permit with unacceptable conditions or restrictions. The Superintendent or IPP Coordinator shall be present at the hearing, and the Authority shall determine whether a representative of the Authority's consulting engineer shall be present at the meeting.
- (d) The Authority Board may uphold or reverse any determination to issue or to deny the issuance of a permit, the imposition of any condition or restriction, or any revocation or suspension of a permit provided the condition or restriction is not required under Federal, State or local law.
- (e) Exhaustion. An Authority decision under these Rules and Regulations is not final until a person has exhausted all of the procedures of this Section. A decision under subsection (d) shall be a final determination for purposes of judicial review by any party.

**SECTION 6.4 EFFECTIVENESS OF AUTHORITY DECISIONS DURING REVIEW.** During the pendency in any forum of any challenge to an Authority decision, a User affected by the decision shall comply with the decision except as otherwise provided by law.

**SECTION 6.5 SUBPOENAS.** The Authority may issue a subpoena to require the attendance of a witness or the production of documents or other materials at a hearing or to assist an investigation undertaken by the Authority.

**SECTION 6.6 CITATIONS AND APPEARANCE TICKETS.** The Authority may issue a citation or appearance ticket to any person who is reasonably believed to have violated these Rules and Regulations. Fines and/or penalties as described in subsections 6.8(b)(1) and 6.8(c)(1) are applicable to violations which are the subject of such a citation or appearance ticket, and the amount of such fines shall be determined based on the ERP and any other factors described in these Rules and Regulations.

**SECTION 6.7 LEGAL ACTION.** If any person discharges Wastewater or waste into the Wastewater System contrary to the provisions of these Rules and Regulations, or otherwise

violates any Pretreatment Standard or requirement (including both Discharge and Non-Discharge violations), the Authority may commence an action for appropriate legal and/or equitable relief.

SECTION 6.8 JUDICIAL REMEDIES. If any person Discharges Wastewater or other wastes into the Wastewater System contrary to the provisions of these Rules and Regulations, or any order or permit issued hereunder, the Authority, through the Authority's attorney, may commence an action for appropriate legal and/or equitable relief in the District or Circuit Court for Berrien County.

- (a) Injunctive Relief. Whenever a User has violated or continues to violate the provisions of these Rules and Regulations or of a permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Authority, through the Authority's attorney, may petition the Court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate), which restrains or compels the activities on the part of the User. To the extent permitted by applicable law, it shall be presumed that violations of these Rules and Regulations shall result in irreparable harm to the Wastewater System, its personnel, the public and/or the environment.
- (b) Civil Penalties.
  - (1) Any User who has violated or continues to violate these Rules and Regulations or any order or permit issued hereunder, or any other Pretreatment Standard or requirement, shall be liable to the Authority for a civil fine of not more than \$1,000.00, or such greater amount as is permitted by law, plus actual damages incurred by the Authority, per violation per day for as long as the violation continues. In addition to the above-described penalty and damages, the Authority may recover reasonable attorney's fees, engineering fees, court costs, and other expenses associated with the investigation, surveillance and/or enforcement activities, such as sampling, monitoring and analysis expenses, including the time devoted by the Superintendent, IPP Coordinator and other Authority staff.
  - (2) The Authority may petition the Court or take other appropriate lawful action to impose, assess, and recover such sums. In determining the amount of a civil fine or 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 voluntarily taken by the User, the compliance history of the User, and any other factors as justice requires.
- (c) Criminal Prosecution.

- (1) **Violations - Generally.** Any User or User representative who willfully or negligently violates any provision of these Rules and Regulations or any orders or permits issued hereunder, or any other Pretreatment Standard or requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 per violation per day or imprisonment for not more than 90 days, or both, or such greater amount or imprisonment as is permitted by law.
- (2) **Discharges Causing Personal Injury or Property Damage.** Any User or User representative who willfully or negligently introduces any substance into the Wastewater System which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00 per violation per day or imprisonment for not more than 90 days or both, or such greater amount or imprisonment as is permitted by law, or be punishable under any other applicable State or Federal law.
- (3) **Falsifying Information.** Any User or User representative 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 these Rules and Regulations or any order or permits hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00 per violation per day or imprisonment for not more than 90 days or both, or such greater amount or imprisonment as is permitted by law, or be punishable under any other applicable State or Federal law.

#### SECTION 6.9 RULES FOR CONTINUING VIOLATIONS.

- (a) A separate violation occurs for each Pollutant that exceeds an applicable Pretreatment Standard and for each report that is late;
- (b) Each day on which a violation occurs is a separate violation;
- (c) Any non-compliance with or violation of any Pretreatment Standard that is a monthly or other multi-day average shall be deemed a violation for each day of the averaging period; and
- (d) One (1) violation occurs on:
  - (1) Each day, including each additional day, that a report is late; and

- (2) Each day after an action required to be completed is not completed.

SECTION 6.10 PUBLIC NUISANCES. Any violation of the prohibitions of these Rules and Regulations or permit or order issued hereunder is hereby declared a public Nuisance and shall be corrected or abated as directed by the Authority, including reimbursing the Authority for any costs incurred in removing, abating, or remedying said Nuisance. Any persons creating a public Nuisance, per se, shall also be subject to the provisions of the applicable Constituent Municipality's Rules and Regulations governing such Nuisance.

SECTION 6.11 WATER SUPPLY SEVERANCE. Whenever a User has violated or continues to violate any provision of these Rules and Regulations, a Wastewater Discharge permit, order issued hereunder, or any other Pretreatment Standard or requirement, public water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply to the Authority.

SECTION 6.12 REMEDIES NONEXCLUSIVE. The remedies provided for in these Rules and Regulations are not exclusive. The Authority may take any, all or any combination of these actions against a non-compliant User. Enforcement regarding violations of these Rules and Regulations will generally be in accordance with the Authority's ERP. The Authority may, however, take other action against any User when the circumstances warrant. Further, the Authority is empowered to take more than one (1) enforcement action against any non-compliant User.

#### SECTION 6.13 ENFORCEMENT RESPONSE PLAN.

- (a) The Authority shall adopt an ERP. This plan shall contain procedures for investigating and eliminating non-compliance with Pretreatment Standards or Requirements. At a minimum, the plan shall identify:
  - (1) How the Authority will investigate instances of non-compliance;
  - (2) The various types of enforcement responses used by the Authority, the violations for which the responses will be used, and the timing of these responses; and
  - (3) The persons responsible for each response.
- (b) The ERP does not create legal rights or obligations and does not limit the enforcement discretion of the Authority.



## CHAPTER 7

### FEES AND CHARGES

SECTION 7.1 GENERAL. The Authority and/or Constituent Municipalities shall establish the standard rates and charges applicable to Users for Discharges to the Wastewater System. The Authority may impose other charges and fees as it determines to be appropriate, as authorized under these Rules and Regulations.

SECTION 7.2 INDUSTRIAL SURVEILLANCE FEE. With respect to all Users that are required to maintain Pretreatment facilities or sampling facilities pursuant to Chapter 3, the Authority, acting itself or in conjunction with the Constituent Municipalities, may institute a program pursuant to which Authority and/or Constituent Municipality personnel, as the case may be, periodically check and assess, through the collection of their own samples, the accuracy and completeness of the sampling records and other reports and information provided to the Authority pursuant to these Rules and Regulations. The cost and expense of the Authority incurred in conducting this program of periodic review may be recovered through an industrial surveillance charge to be established by the Authority from time to time by resolution and charged to the Constituent Municipalities and/or directly to the User. The amount of this charge shall be determined for each User or class of Users to which it applies and, if billed by the Constituent Municipalities, shall be billed as part of each affected sewer customer's periodic sewer billing.

If, based upon his review, the Superintendent or the IPP Coordinator determines that the sampling records or other reports and information provided by a User are not substantially accurate, are otherwise inadequate, or due to facts and circumstances warrant verification by the Authority, the Authority may institute such sampling, laboratory analysis and other procedures necessary to accurately sample and measure the waste and Wastewater being discharged. All expenses and charges incurred by the Authority and/or any Constituent Municipality for such sampling, review and analysis shall be charged to the User, either directly by the Authority or through and by the applicable Constituent Municipality.

In addition, in its discretion, the Authority may directly or through the applicable Constituent Municipality charge a User pursuant to this Section if the Authority performs any sampling and analysis required to be performed by the User pursuant to these Rules and Regulations.

SECTION 7.3 SURCHARGES. The Authority may impose a surcharge on NDUs of the Wastewater System for the Discharge of Wastewater or waste containing more of a substance than the Local Limit established by the Authority. Nothing contained in this Section shall affect the obligation of a User to comply with the Discharge limits in its Wastewater Discharge permit and these Rules and Regulations.

If such surcharges shall be charged for the treatment of extra-strength wastewater, they shall be calculated according to the following formula:

$$\text{Total Charges} = (M_1)V + (M_2)\text{BOD} + (M_3)\text{SS} + (M_4)\text{P} + \text{Meter Charge}$$

Where:

$M_1, M_2, M_3$  and  $M_4$  = Multiplying Constants

$V$  = Volume of waste in units of million gallons

BOD or CBOD = 5 day BOD in units of pounds

SS = Suspended Solids in units of pounds

$P$  = Total Phosphorus in units of pounds

Meter Charge = As established and assessed through municipal sewer rate ordinances.

The Multiplying Constants ( $M_2, M_3$  and  $M_4$ ) shall be calculated annually after the end of the fiscal year used by the Authority, which is the calendar year, January 1 to December 31, by means of a formula approved and filed at the WWTP (Constant  $M_1$ , for volume charge, is not calculated under extra-strength charges assessed by the Authority). Billings will be rendered to affected Users on a monthly basis. The volume will be actual as metered. Loadings of BOD, CBOD, SS, and P will be actual as calculated from the analysis taken during the preceding month.

If directed to do so by the Authority, Users discharging high-strength waste subject to surcharges shall be required to submit regular reports to the Authority relative to the discharge of those wastes. The reports shall contain such information as BOD, CBOD, SS, P, pH, volume discharged and other data required by the IPP Coordinator. This data may be used as the basis of billing under the above formula; however, the IPP Coordinator, at his discretion, may conduct analysis of representative samples taken by the Authority as means of verifying the results as submitted, and the Authority may use its own analysis results for billing purposes. The type of equipment, methods and frequency used for metering, sampling, and analysis shall be subject to approval of the IPP Coordinator.

**SECTION 7.4 RECOVERY OF COSTS.** Any User violating any of the provisions of these Rules and Regulations or who discharges or causes a Discharge producing a deposit or obstruction, or causes damage to or impairs the Wastewater System, shall be liable to the Authority for any expense, loss, or damage caused by such violation or Discharge. The Authority or the Constituent Municipality within which the User is located may bill the User for the costs incurred by the Authority for any cleaning, repair, or replacement work caused by the violation or Discharge. If the Authority bills the Constituent Municipality, the Constituent Municipality may in turn bill the User.

SECTION 7.5 OTHER FEES AND CHARGES. In addition to the other fees and charges specifically provided for in these Rules and Regulations, the Authority may adopt by resolution other charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the Authority's IPP;
- (b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by a User;
- (c) Fees for reviewing spill, slug, and accidental Discharge prevention plans, MRPs and procedures, and construction plans;
- (d) Fees for permit applications including the cost of processing such applications;
- (e) Fees for filing appeals or requests for administrative review;
- (f) Fees for responding to non-compliant Discharges such as accidental discharges, spills, slugs, Upsets or Bypasses;
- (g) Other fees as the Authority may deem necessary to carry out the requirements contained herein.

SECTION 7.6 INTEREST. Unpaid charges, fees, costs, and penalties shall, after 30 calendar days, be assessed an additional penalty of one and one-half percent (1.5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. Unpaid charges, fees, costs, fines and penalties shall constitute a lien against the User's property.

## CHAPTER 8

### GENERAL

SECTION 8.1 PROTECTION FROM DAMAGE. No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or other part of the Wastewater System.

SECTION 8.2 EFFECT OF AUTHORITY APPROVAL OF PLANS, SPECIFICATIONS, OR OPERATING PROCEDURES. Authority approval of plans, specifications, or operating procedures does not entitle a User to relief from enforcement actions if the Treatment facilities do not achieve compliance with applicable Pretreatment Standards and requirements.

SECTION 8.3 EMERGENCY ACTION. Notwithstanding any other provision of these Rules and Regulations, the Superintendent or IPP Coordinator may, for good cause shown, suspend Wastewater System service to a User when it appears to the Superintendent or the IPP Coordinator that an actual or threatened Discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or the environment, or interferes with the operation of the Wastewater System, or the Authority's compliance with its NPDES permit. Any User notified of a suspension of Wastewater System service shall cease all Discharges at the time directed by the Superintendent or IPP Coordinator or as soon as is reasonably possible. In the event of failure of the User to comply voluntarily with the suspension order within the specified time, the Authority may commence judicial proceedings immediately thereafter to compel the User's compliance with such order. The Authority shall reinstate Wastewater System service and terminate judicial proceedings instituted under this Section upon proof by the User of the elimination of the non-complying Discharge or conditions creating the threat of imminent or substantial danger as set forth above.

SECTION 8.4 ADMINISTRATIVE DETERMINATIONS OF THREAT TO WASTEWATER SYSTEM. The Superintendent or the IPP Coordinator shall have the power to make all determinations, which shall be binding on all Users, as to whether any Discharge or threatened Discharge could threaten, endanger, or cause problems to the Wastewater System, compliance with the Authority's NPDES permit, or the health, safety and welfare of the Authority's personnel or the public, or the environment.

SECTION 8.5 FALSIFICATION OF INFORMATION. Any person who knowingly makes any false representation, statement or certification in any application, report, record, plan or other document filed or required to be maintained pursuant to these Rules and Regulations, or who falsifies, tampers with or knowingly renders inaccurate any monitoring or sampling device shall be guilty of violation of these Rules and Regulations.

SECTION 8.6 ANNUAL PUBLICATION OF SIGNIFICANT NON-COMPLIANCE. The Authority shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Wastewater System, a list of the

Users which have been determined by the Authority to be in SNC during the 12 previous months. This notification shall also summarize any enforcement actions taken against a User during the same 12 months.

## CHAPTER 9

### MISCELLANEOUS PROVISIONS

SECTION 9.1 ADMINISTRATIVE LIABILITY. No officer, agent or employee of the Authority or member of the Authority Board shall render himself or herself personally liable for any damage that may accrue to any person as a result of any acts, decisions or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to these Rules and Regulations.

SECTION 9.2 SEVERABILITY. These Rules and Regulations and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these Rules and Regulations shall not be affected thereby.

SECTION 9.3 EFFECTIVE DATE. These Rules and Regulations were approved and adopted by the Authority Board by resolution on November 15, 2022. These Rules and Regulations shall be effective 30 days after publication of a summary hereof in a newspaper of general circulation in the Authority's jurisdiction.

**APPENDIX A**

**LOCAL LIMITS**

<b>PARAMETER</b>	<b>DAILY MAX. - CONCENTRATION (mg/l)</b>	<b>DAILY MAX. - LOADING (lbs/day)</b>
Arsenic	1.62	
Cadmium	0.78	
Chromium	45.44	
Copper	3.1	
Cyanide, Total	0.24	
Lead	0.48	
Mercury	Non-detect*	
Molybdenum	0.18	
Nickel	0.12	
Phenols	0.06	
Selenium	0.18	
Silver	0.06	
Zinc	3.42	
Ammonia	102	170
Fats, Oil and Grease	100	670
CBOD	804	1340
Phosphorus	18	30
TSS	642	1070

\* Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The detection limit shall not exceed 0.2 ug/l unless higher limits are approved due to matrix interference.

GRSD SEWER AUTHORITY  
INDUSTRIAL PRETREATMENT PROGRAM  
ENFORCEMENT RESPONSE PLAN  
2022

Draft Date: 03/01/2022



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## CHAPTER 1

### TITLE AND DEFINITIONS

SECTION 1.1 TITLE. This Enforcement Response Plan shall be known and may be cited as the "GRSD Sewer Authority IPP Enforcement Response Plan" (hereinafter the 'ERP').

SECTION 1.2 PURPOSE AND POLICY. This ERP sets guidance for the Authority in taking enforcement measures against any Users of the Wastewater System which violate rules and regulations set at the State, Federal, and local level to protect public health, the Wastewater System, WWTP, and environment.

SECTION 1.3 RULES APPLYING TO TEXT. The following rules of construction shall apply to the text of this ERP.

- (a) The particular shall control the general.
- (b) Except with respect to the definitions which follow in Section 1.5, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this ERP or as enlarging or restricting the terms and provisions of this ERP in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) Words imparting masculine gender shall apply to feminine and also to firms, associations, partnerships, joint ventures, corporations, trusts, and municipal or other public entities.
- (f) With regard to any conflicts between this ERP and the applicable federal regulations, the federal regulations shall control.
- (g) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
- (h) The word "Authority" means the GRSD Sewer Authority, located in Berrien County, Michigan.

- (i) The words "Authority Board" mean the Joint Board of Commissioners of the GRSD Sewer Authority.

SECTION 1.4 WORDS NOT DEFINED. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 1.5 DEFINITIONS. For the purpose of their use in this ERP, the following terms and words are hereinafter defined.

- (a) 40 CFR 403: The general Pretreatment regulations outlined at 40 Code of Federal Regulations Part 403.
- (b) ABBREVIATIONS: The following abbreviations shall have the designated meanings:

BOD:	Biological Oxygen Demand
BMP:	Best Management Practice
BMR:	Baseline Monitoring Report
CBOD:	Carbonaceous Biological Oxygen Demand
CFR:	Code of Federal Regulations
CIU:	Categorical Industrial User
COD:	Chemical Oxygen Demand
DO:	Dissolved Oxygen
EGLE:	Michigan Department of Energy, Great Lakes and the Environment
ERP:	Enforcement Response Plan
IPP:	Industrial Pretreatment Program
IU:	Industrial User
MRP:	Mercury Reduction Plan
NDU:	Non-Domestic User
NPDES:	National Pollutant Discharge Elimination System
RCRA:	Resource Conservation and Recovery Act
SIC:	Standard Industrial Classification
SIU:	Significant Industrial User
WWTP:	Wastewater Treatment Plant

- (c) BMPs: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement requirements of the Authority's Restated Rules and Regulations. BMPs include Treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, drainage from raw materials storage, or alternate means of complying with established Pretreatment Standards and effluent limits.
- (d) BOD or BOD<sub>5</sub> (denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory

procedure in five (5) days at 20 degrees Celsius, expressed in parts per million by weight or in milligrams per liter.

- (e) CATEGORICAL INDUSTRIAL USER (CIU): An IU subject to a Categorical Pretreatment Standard or Categorical Standard.
- (f) CATEGORICAL PRETREATMENT STANDARD or NATIONAL CATEGORICAL PRETREATMENT STANDARD: Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of IUs.
- (g) COD (Chemical Oxygen Demand): The amount of oxygen required to chemically oxidize organic and inorganic constituents of Wastewater as measured under the standard laboratory procedures.
- (h) COMPOSITE SAMPLE: A collection of individual grab samples obtained at regular intervals, collected on a time- or flow-proportioned basis over a specified time period which are combined into a single sample for testing purposes and which provides a representative sample of the average Discharge during the sampling period.
- (i) CONSTITUENT MUNICIPALITY: The Cities of New Buffalo and Bridgman, the Charter Township of Lake, the Townships of New Buffalo and Chikaming, and any other local unit of government that in the future joins the GRSD Sewer Authority.
- (j) DAILY MAXIMUM CONCENTRATION: The arithmetic average of all effluent samples for a Pollutant collected during a calendar day, except for limitations with instantaneous limits such as pH and DO, the arithmetic average does not apply and the results of each sample shall be evaluated with respect to the applicable limit.
- (k) DAILY MAXIMUM LIMIT: The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass Discharged over the course of the calendar day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that calendar day, except with regard to pH and DO.
- (l) DISCHARGE: Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the Wastewater System.
- (m) EGLE: The Michigan Department of Energy, Great Lakes and the Environment or any predecessor or successor governmental agency having similar regulatory jurisdiction.

- (n) ENVIRONMENTAL COMPLIANCE COORDINATOR: The person designated by the Authority to coordinate and manage the Authority's IPP and Mercury Pollutant Minimization Program. This person acts as the IPP Coordinator unless an interim coordinator is designated as such.
- (o) EPA: The United States Environmental Protection Agency.
- (p) GRAB SAMPLE: A sample that is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.
- (q) INDUSTRIAL PRETREATMENT PROGRAM (IPP): A program put in place to prevent the introduction of pollutants to the Wastewater System or WWTP that may cause Pass Through or Interference or otherwise interfere with the disposal of biosolids.
- (r) INDUSTRIAL PRETREATMENT PROGRAM (IPP) COORDINATOR: The person designated by the Authority to manage the Authority's IPP. The Environmental Compliance Coordinator acts in this role unless another person is designated to do so.
- (s) INDUSTRIAL USER (IU): Any person who introduces Pollutants into a WWTP from any Non-Domestic source regulated under the Act, State law, or local Rules and Regulations.
- (t) INDUSTRIAL WASTES: The liquid or liquid-borne wastes from industrial or manufacturing processes, trade or business operations, as distinct from Domestic Wastes.
- (u) INSTANTANEOUS LIMIT: The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the Industrial Waste flow rate and the duration of the sampling event.
- (v) INTERFERENCE: Any Discharge which alone or in conjunction with a Discharge or Discharges from other sources both:
  - (1) Inhibits or disrupts the Wastewater System and any of its process or operations, or its sludge use or disposal; and
  - (2) Therefore, is a cause of a violation of any requirement of the Authority's NPDES Permit (including an increase in the magnitude of duration of a violation) or of the prevention of sludge use or disposal in compliance with applicable local, State, or Federal law.

- (w) LOCAL LIMIT: Specific Discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and 403(b).
- (x) MONTHLY AVERAGE CONCENTRATION: The sum of the concentrations of a Pollutant in all of the individual samples from that Discharge divided by the number of samples analyzed for that Pollutant during a calendar month. If the Pollutant concentration in any sample is less than the limit of detection, that value shall be regarded as zero (0) when calculating Monthly Average Concentration.
- (y) NON-DOMESTIC USER (NDU): Any User, including SIUs and CIUs, of the Wastewater System that discharges wastes other than or in addition to water-carried Domestic Wastes.
- (z) NON-DOMESTIC WASTE: All water-carried wastes other than Domestic Wastes.
- (aa) NPDES OR STATE DISCHARGE PERMIT: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (bb) PASS THROUGH: A Discharge which exits the WWTP in quantities or concentrations which, alone or in conjunction with Discharges from other sources, causes a violation of the Authority's NPDES Permit (including an increase in the magnitude or duration of a violation) or detrimentally impacts the receiving stream and/or as further defined in 40 CFR 403.3(p).
- (cc) pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- (dd) POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, Sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, CBOD, COD, toxicity, or odor).
- (ee) PRETREATMENT OR TREATMENT: The reduction, elimination, or alteration of Pollutant properties to a less harmful state prior to or in lieu of Discharge or introduction to the Wastewater System. This can be accomplished by physical, chemical, or biological processes, process changes, or other means, except by diluting the concentration of pollutants (unless allowed by an applicable Pretreatment Standard) or as otherwise prohibited by 40 CFR 403.6(d).
- (ff) PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to Pretreatment imposed on a User.

- (gg) **PRETREATMENT STANDARD OR STANDARD:** Any local, State or Federal regulation containing Pollutant Discharge limits. This term includes Local Limits, prohibitive Discharge limits including those promulgated under 40 CFR 403.5, and Categorical Pretreatment Standards.
- (hh) **PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:** Absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Sections 2.1 and 2.2.
- (ii) **PUBLIC SEWER:** A Sewer which is owned by the Authority or a Constituent Municipality or over which the Authority or a Constituent Municipality has operational responsibility and control.
- (jj) **REPLACEMENT COSTS:** Those expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of a WWTP to maintain the capacity and performance for which such works are designed and constructed.
- (kk) **SEVERE PROPERTY DAMAGE:** Substantial physical damage or property damage to the WWTP or the Wastewater System which causes all or part of the WWTP or the Wastewater System to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.
- (ll) **SEWAGE:** The water-carried wastes from human excrement and gray water (household showers, dishwashing, etc.) from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.
- (mm) **SIGNIFICANT INDUSTRIAL USER (SIU):** Except as provided in paragraph (3) of the definition, the term SIU means:
  - (1) All IUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
  - (2) Any other IU that discharges an average of 25,000 gpd or more of process Wastewater to the Wastewater System (excluding sanitary, non-contact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWTP; or is designated as such by the Authority on the basis that the IU has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.3(v)).

- (3) Upon a finding that an IU meeting the criteria in paragraph (2) of this definition has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or Requirement, the Authority may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with 40 CFR 403.3(v), determine that such IU is not a SIU.
- (nn) SIGNIFICANT NON-COMPLIANCE (SNC): The event of any one (1) or more of the following having occurred:
- (1) Chronic violations of Wastewater Discharge limits, defined as where 66% or more of all the measurements accepted by the Authority taken for the same Pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard, including any applicable maximum limit including an Instantaneous Limit or Requirement.
  - (2) Technical Review Criteria (TRC) violations, defined as where 33% or more of all the measurements accepted by the Authority for each Pollutant parameter taken during a six (6) month period equal or exceed the product of any numeric Pretreatment Standard or Requirement, including an Instantaneous Limit, multiplied by the applicable TRC (1.4 for BOD, CBOD, TSS, fats, oil and grease; and 1.2 for any other Pollutant except pH).
  - (3) Any other violation of a Pretreatment Standard (Daily Maximum Limit, long-term averages, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination of other Discharges, Interference or Pass Through, or endangerment of the health of WWTP personnel or the general public.
  - (4) Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such Discharge under 40 CFR 403.8(f)(1)(vi)(B).
  - (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order (administrative or judicial) for starting or completing construction, or attaining final compliance.
  - (6) Failure to provide, within 30 days after the due date, required reports, including, without limitation, such reports as BMRs, 90-Day Compliance Reports, Daily Monitoring Reports, Biannual Monitoring Reports, and reports on compliance with compliance schedules.
  - (7) Failure to accurately or fully report non-compliance.



- (8) Any other violation or group of violations, which may include violations of BMPs, which the Authority determines will, or has, an adverse effect on the operation of the Wastewater System or implementation of the IPP.
- (oo) SUPERINTENDENT: The person designated by the Authority to supervise or manage the operation of the WWTP, and who is charged with certain duties and responsibilities by these Rules and Regulations, or his designee.
- (pp) TOTAL SUSPENDED SOLIDS (TSS): The solids that either float on the surface of or are in suspension in water, Wastewater, or other liquids and which are removable by laboratory filtering.
- (qq) USER: Any person (including any domestic or foreign corporation, partnership, governmental unit or other legal entity) who contributes, or causes or permits the contribution of Wastewater into the Wastewater System.
- (rr) WASTEWATER: Water-carried waste from residences, business buildings, industrial establishments and/or other premises including wastes generated from industrial and commercial processes and Sewage, together with such infiltration as may be present.
- (ss) WASTEWATER SYSTEM: The WWTP as well as all Public Sewers and other facilities owned by or over which the Authority or a Constituent Municipality has operational responsibility and control for collecting, sampling, monitoring, pumping and/or treating Wastewater.
- (tt) WASTEWATER TREATMENT PLANT (WWTP): The Authority's WWTP, located at 10831 Kruger Road, New Buffalo, MI 49117. For information only, the WWTP's telephone number is (269) 469-3434.

## CHAPTER 2

### IPP ENFORCEMENT PROGRAM

SECTION 2.1 PRETREATMENT REGULATIONS – NOTIFICATION. The Authority initially notified IUs of applicable Pretreatment Standards or Discharge limitations at the time that the IPP was being implemented. To ensure compliance with any new Pretreatment Standards or Requirements and/or Discharge requirements, IUs will be notified of any revised or additional requirements or material changes affecting them, including EPA Categorical Standards, when published. To keep up to date on Pretreatment Requirements, the IPP Coordinator will read trade publications, periodically contact EGLE and the EPA, regularly review EGLE and EPA online resources, take part in training opportunities, and utilize legal and environmental consultants. The procedures to be used to notify IUs of changes to or additions of applicable Pretreatment Standards or Requirements are as follows:

- (a) The IPP Coordinator will review changes to Pretreatment Standards or Requirements and determine which IUs are affected by those changes, if any.
- (b) The IPP Coordinator will notify the affected IUs by mail within 30 days.
- (c) Discharge permits will be issued to SIUs. Such permits will contain information informing permittees of applicable Pretreatment Standards or Requirements.
- (d) SIUs will be notified of changes in Pretreatment Standards or Requirements, and their discharge permits amended as necessary.
- (e) When changes will require that a SIU modify its Discharge, the procedures that will be used to ensure compliance before the date set by the standards or requirements are as follows:
  - (1) A written memorandum detailing the changes applicable to the SIU will be sent to it by certified or registered mail;
  - (2) The affected SIU will be required to submit a written proposal outlining a timely schedule for compliance with the changes to Pretreatment Standards or Requirements. Each such schedule will be reviewed by the IPP Coordinator and a compliance schedule will be issued to each affected SIU to assure compliance before the date set in the Standards or Requirements. Violations of the compliance schedule will be handled using procedures outlined in the Enforcement Response Guide included in this ERP.
  - (3) Discharge permits will be issued or amended to incorporate applicable changes in Pretreatment Standards or Requirements.

Section 2.2 IU RCRA RESPONSIBILITY – NOTIFICATION. Requirements set upon Users for RCRA notification are outlined in Section 5.7 (“Hazardous Waste Notification”) of the Authority’s Restated Rules and Regulations.

The Authority will publish an annual notice of RCRA requirements in a daily newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Wastewater System. This will take place across two (2) consecutive days during the month of April. By publishing this notice of responsibilities, it is intended that small or non-significant IUs will be notified of the requirements.

Section 2.3 UPDATING NDU SURVEYS. The lists of EPA priority Pollutants or EGLE critical materials may be expanded at any time. This will require periodic resurveying of NDUs. Resurveying also becomes necessary when an IU changes its processes or use of chemicals, expands production, or changes ownership or management. The following procedures will be used to keep the surveys up to date:

- (a) Whenever the lists of priority Pollutants or critical materials are changed, the IPP Coordinator will review those changes to determine if any IUs discharging to the Wastewater System may be affected. Within 30 days after the IPP Coordinator becomes aware of any such applicable changes, the appropriate surveys will be mailed to those IUs that may be affected, along with a memorandum explaining the changes and need to resurvey.
- (b) When an IU is known to have changed its processes or expanded its production, within 30 days a survey will be conducted by telephone and/or email to determine if the changes will affect the survey on file. These process changes will be identified through NDU surveys, annual inspections (for SIUs), and by reviewing local newspapers and online resources.
- (c) When the IPP Coordinator becomes aware that ownership or management of an IU has changed or will soon change, within 30 days the appropriate NDU surveys will be sent to the IU. These changes will be identified through NDU surveys, reviewing local newspapers and online resources, and notification from the IU. Such notification of changes in ownership or management is required of all permitted SIUs.
- (d) The IPP Coordinator will periodically update survey forms as necessary to obtain the information necessary to determine compliance with Local Limits and Pretreatment Standards and Requirements and to ensure that there are no imminent or substantial threats to the health and safety of persons, the Wastewater System, WWTP, and/or the environment.
- (e) At a minimum of once every five (5) years, applicable NDU surveys will be sent to all NDUs. The IPP Coordinator will review and summarize all data gathered from these surveys.

- (f) SIUs will be resurveyed at a minimum of once every two (2) years.

Section 2.4 NON-COMPLIANCE/VIOLATION PROCEDURES. In general, a violation is defined as any use of the Wastewater System which is not in conformance with the Authority's Restated Rules and Regulations, the Constituent Municipality's ordinances or codes, or other control mechanisms. The Authority shall publish annually the name and other appropriate information of any User found to be in SNC, as defined below, in a daily newspaper of general circulation that provides meaningful public notice within the area served by the Wastewater System.

The following criteria will be considered when determining a proper response to a violation:

- (a) Magnitude of Violation – violations constituting SNC:
  - (1) Chronic violations, defined as where 66% or more of all measurements accepted by the Authority taken during a six (6) month period exceed (by any magnitude) any applicable maximum limit, including an Instantaneous Limit, or an average limit for the same Pollutant. Measurements will be evaluated quarterly using data from the previous six (6) months;
  - (2) TRC, defined as where 33% or more of all of the measurements for each Pollutant taken during a six (6) month period equal or exceed the product of any applicable maximum limit, including an Instantaneous Limit or an average limit, if any, multiplied by the applicable TRC (TRC = 1.4 for BOD, CBOD, TSS, fats, oil and grease, and TRC = 1.2 for all other pollutants except pH). Measurements will be evaluated quarterly using data from the previous six (6) months;
  - (3) Any other violations of applicable maximum limits, including an Instantaneous Limit, or an average limit which the IPP Coordinator and/or Superintendent determines has caused, alone or in combination with other discharges, Interference as defined in 40 CFR Part 403.3(k)(1-2), Pass-Through, or has endangered the health and safety of persons, the Wastewater System, WWTP, and/or the environment;
  - (4) Harm, defined as any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare, the environment, or the biomass at the WTTP, and has resulted in the Authority's exercise of its emergency authority to halt or prevent such a Discharge;
  - (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting or completing construction or attaining final compliance;

- (6) Failure to provide, within 30 days after the due date, required reports, including but not limited to BMRs, 90-Day Compliance Reports, Daily Monitoring Reports, Biannual Monitoring Reports, and reports on compliance with compliance schedules;
  - (7) Failure to accurately or fully report non-compliance;
  - (8) Any other violation or group of violations, which may include violations of BMPs, which the Authority determines will have, or has had, an adverse effect on the operation of the Wastewater System or implementation of the IPP;
  - (9) Any Discharge which requires excess Treatment expenses because of a violation of the applicable Rules and Regulations or other rules, ordinances, or codes; or
  - (10) Any discharge through illegal connections.
- (b) Duration of Violation – violations which continue over prolonged periods of time shall subject the User to escalated enforcement actions. These actions may include administrative orders, fines, civil action, and termination of service.
  - (c) Effect on Receiving Water – environmental harm will be presumed to have occurred whenever an IU discharges a Pollutant into the Wastewater System that (1) passes through the WWTP, (2) causes a violation of the Authority's NPDES Permit, or (3) has a toxic effect on the receiving stream. Environmental harm will be addressed with an administrative order and fine or other appropriate enforcement action, or termination of service for repeat offenders. The Authority will also pursue recovery from the non-compliant User of any fines, penalties, costs, and/or damages charged to or incurred by the Authority.
  - (d) Effect on the Wastewater System – any significant increases in treatment costs, Interference, or harm to Authority personnel, equipment, processes, operations, sludge contamination resulting in increased disposal costs, or any Discharge, act, or omission which causes or contributes to a violation of the Authority's NPDES Permit with regard to which regulatory enforcement action against the Authority is threatened or commenced will be addressed with an administrative order (with fine or civil penalty) to correct the violation, in addition to pursuit of recovery of additional costs and expenses to repair the Wastewater System from the damages resulting from the non-compliant Discharge. The Authority will also pursue recovery from the non-compliant User for any fines, penalties, costs, and/or damages charged to or incurred by the Authority.
  - (e) Compliance History of the User – the User's compliance history may be evaluated in determining which remedies are appropriate for any violations.

- (f) Good faith of the User – the User's good faith intention to remedy its non-compliance, coupled with actions which reasonably demonstrate their intention, will be a factor in determining which enforcement response the Authority invokes. Cooperation and completion of corrective measures in a timely manner will be considered a demonstration of good faith.
  
- (g) Recurring Violation – any second, additional, or series of violations occurring in two (2) or more consecutive sampling periods or any pattern of SNC shall be considered by the Authority in evaluating enforcement alternatives. For limits which are multi-day averages, if any, each averaging period shall be considered a sampling period.

Section 2.5 ENFORCEMENT RESPONSE GUIDE.

The Enforcement Responses listed in this Enforcement Response Guide for each type of non-compliance or violation are alternatives. The order in which they are listed is not intended to represent an automatic step-by-step progression. The Authority may determine, in its discretion, which Enforcement Response alternative is appropriate for any violations, consistent with its Restated Rules and Regulations.

**Description of Terms**

- ACO - Administrative Consent Order (with fine and/or cost recovery as appropriate)
- AO - Administrative Order
- S - Superintendent
- IPPC - IPP Coordinator (Environmental Compliance Coordinator)
- MRP - Mercury Reduction Plan
- NL - Notification Letter
- NOV - Notice of Violation
- SNC - Significant Non-Compliance

NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<b>UNAUTHORIZED DISCHARGES (NO PERMIT)</b>			
1. Unpermitted discharge	IU unaware of requirement; no harm to System or environment	Phone call	IPPC
		NL with application form	IPPC
		NOV with application form	IPPC
	IU unaware of requirement; harm to System	NOV	IPPC
		ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
	Failure to apply continues after notice by the Authority	ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
		Criminal investigation	S
		Terminate service	S
	2. Nonpermitted discharge	IU has not submitted application 10 days after due date	NL
NOV			IPPC
ACO			S
AO with fine			S
Terminate service			S

NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<b>DISCHARGE LIMIT VIOLATION</b>			
1. Exceedance of local, Federal standard, or permit limit	Isolated, not SNC	Phone call	IPPC
		NL	IPPC
		NOV	IPPC
	Isolated, SNC (no harm to System, environment, or Pass Through)	Phone call	IPPC
		NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
		Show Cause Order	S
		Cease and Desist Order	S
	Compliance Order	S	
	Isolated, SNC (harm to System or environment, or Pass Through)	ACO	S
		AO with fine	S
		Show Cause Order	S
		Cease and Order	S
		Civil action	S
	Recurring, not SNC	NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
	Recurring, SNC (no harm to System, environment, or Pass Through)	NOV	IPPC
		ACO	S
		AO with fine	S
		Show Cause Order	S
		Cease and Desist Order	S
		Civil action	S
		Terminate service	S
Recurring, SNC (harm to System or environment, or Pass Through)	ACO	S	
	AO with fine	S	
	Show Cause Order	S	
	Cease and Desist Order	S	
	Civil action	S	
	Terminate service	S	



NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<b>MONITORING AND REPORTING VIOLATIONS</b>			
1. Reporting violation self-monitoring, NDU surveys, etc.	Report is improperly signed or certified	Phone call	IPPC
		NL	IPPC
	Report is improperly signed or certified after notice by Authority	NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
		Show Cause Order	S
		Terminate service	S
	Report is late, isolated, not SNC (seven days late)	Phone call	IPPC
		NL	IPPC
	Report is late, isolated, SNC (over 30 days late)	NL	IPPC
		NOV	IPPC
	Report is late, recurring, SNC	ACO	S
		AO with fine	S
		Show Cause Order	S
		Civil action	S
		Terminate service	S
	Failure to report spill or changed discharge (no harm)	NOV	IPPC
		ACO	S
		AO with fine	S
Repeated failure to report spill	ACO	S	
	AO with fine	S	
	Show Cause Order	S	
	Criminal investigation	S	
	Terminate service	S	
Falsification	Criminal investigation	S	
	Terminate service	S	
2. Failure to monitor	Failure to monitor all pollutants as required by permit	Phone call	IPPC
		NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
	Failure to repeat sampling for self-monitoring report permit violation	Phone call	IPPC
		NL	IPPC
		NOV	IPPC

NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	
<b>MONITORING AND REPORTING VIOLATIONS</b>				
3. Improper sampling	Unintentional sampling at incorrect location, using incorrect sample type, using incorrect sample collection techniques, etc.	NL	IPPC	
		NOV	IPPC	
		ACO	S	
		AO with fine	S	
	Intentional sampling at incorrect location, using incorrect sample type, using incorrect sample collection techniques, etc.	ACO	S	
		AO with fine	S	
		Show Cause Order	S	
		Civil action	S	
		Criminal investigation	S	
		Terminate service	S	
4. Failure to install monitoring equipment	Delay of less than 30 days	NL	IPPC	
		NOV	IPPC	
	Delay of 30 days or more	ACO	S	
		AO to install with fine	S	
	Recurring violation, or violation of Administrative Order	ACO	S	
		Civil action	S	
		Criminal investigation	S	
		Terminate service	S	
	5. Compliance schedule (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	Phone call	IPPC
			NL	IPPC
NOV			IPPC	
Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)		NOV	IPPC	
		ACO	S	
		AO with fine	S	
Missed milestone by more than 30 days or will affect final milestone (no good cause for delay)		ACO	S	
		AO with fine	S	
		Show Cause Order	S	
		Civil action	S	
		Terminate service	S	
Recurring violation or violation of schedule in Administrative Order		Civil action	S	
		Criminal investigation	S	
		Terminate service	S	

NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<b>OTHER PERMIT VIOLATIONS</b>			
1. Wastestreams are diluted in lieu of Treatment	Initial violation	NOV	IPPC
		ACO	S
		AO with fine	S
	Recurring violation	ACO	S
		AO with fine	S
		Civil action	S
		Terminate service	S
2. Failure to mitigate non-compliance or halt production	Does not result in harm	NOV	IPPC
		ACO	S
		AO with fine	S
	Does result in harm	ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
Criminal investigation	S		
	Terminate service	S	
3. Failure to properly operate and maintain pretreatment facility	Does not result in harm	NOV	IPPC
		ACO	S
		AO with fine	S
	Does result in harm	ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
Criminal investigation	S		
	Terminate service	S	
4. Failure to comply with Mercury Reduction Plan Requirements (failure to reduce Hg discharge, etc.)	Isolated, SNC (no harm to System, environment, or pass through)	NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
		Show Cause Order	S
	Recurring, SNC (no harm to System, environment, or pass through)	NOV	IPPC
		ACO	S
		AO with fine	S
		Show Cause Order	S
		Cease and Desist Order	S
Civil action	S		
Terminate service	S		

NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<b>OTHER PERMIT VIOLATIONS</b>			
4. Failure to comply with Mercury Reduction Plan Requirements (failure to reduce Hg discharge, etc.)	Isolated, SNC (harm to System, environment, or pass through)	ACO	S
		AO with fine	S
		Show Cause Order	S
		Cease and Desist Order	S
		Civil action	S
	Recurring, SNC (harm to System, environment, or pass through)	ACO	S
		AO with fine	S
		Show Cause Order	S
		Cease and Desist Order	S
		Civil action	S
		Terminate service	S
5. Exceedance of mercury limitation while under MRP, permit requirement or Administrative Order requirement	Isolated or recurring, no harm or pass through, in compliance with MRP commitments/schedules	Phone call	IPPC
		NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
	Isolated or recurring, no harm or pass through, not in compliance with MRP commitments/schedules	NOV	IPPC
		ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
	Terminate service	S	
	Isolated or recurring, harm or pass through occurs	ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
Terminate service		S	

NON-COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<b>VIOLATIONS DETECTED DURING SITE INSPECTIONS</b>			
1. Entry denial	Entry denied or consent withdrawn	Obtain warrant and return to facility	IPPC
		Terminate service	S
	Copies of records denied	Obtain warrant and return to facility	IPPC
		Terminate service	S
2. Illegal Discharge	No harm to System or environment	NL	IPPC
		NOV	IPPC
		ACO	S
		AO with fine	S
	Discharges cause harm or evidence of intent/negligence	ACO	S
		AO with fine	S
		Cease and Desist Order	S
		Civil action	S
		Criminal investigation	S
	Recurring violation, or violation of Administrative Order	Civil action	S
		Criminal investigation	S
		Terminate service	S
3. Inadequate recordkeeping	Files incomplete, missing (no evidence of intent)	NL	IPPC
		NOV	IC
	Recurring	NOV	IPPC
		ACO	S
		AO with fine	S
		Terminate service	S
4. Failure to report additional monitoring	Inspection finds additional files	NOV	IPPC
	Recurring	NOV	IPPC
		ACO	S
		AO with fine	S
		Terminate service	S

The Enforcement Responses listed in this Enforcement Response Guide for each type of non-compliance or violation are alternatives. The order in which they are listed is not intended to represent an automatic step-by-step progression. The Authority may determine, in its discretion, which Enforcement Response alternative is appropriate for any violations, consistent with its Restated Rules and Regulations.

## CHAPTER 3

### IPP ERP TIMEFRAME FOR RESPONSES, NOTIFICATION, AND CORRECTION PROCEDURES

#### SECTION 3.1 ERP TIMEFRAMES FOR VIOLATIONS.

- (a) All violations will be identified and documented within five (5) days of receiving a monitoring report, analytical result for samples collected and analyzed, or other reliable information showing non-compliance.
- (b) Initial enforcement response activities (e.g., contact with the IU and requests for information regarding corrective or preventative actions) will occur within 15 days of violation detection.
- (c) Follow-up or escalated actions for continuing or recurring violations will be taken within 90 days of the initial enforcement response, or within 60 days of the Authority's later determination that a continuing or recurring violation was not properly abated. For all continuing violations, the response will include a compliance schedule.
- (d) Violations which threaten health, property, or environmental quality are considered emergencies and the following procedures will be undertaken:
  - (1) Notify the police (in the case where evacuation may be necessary), the fire department (in the case where oil, gas, or similar spills are suspected or known) and/or the Pollution Emergency Alert System (PEAS) (1-800-292-4706) and/or the EGLE Kalamazoo district office (1-269-567-3500).
  - (2) If the threat is only to the viability of biomass at the WWTP, contact PEAS (1-800-292-4706) and the EGLE Kalamazoo district office (1-269-567-3500).
  - (3) Make every effort to isolate the Discharge by shutting down pumping stations, plugging sewers, or by pumping the Wastewater into empty tanks or tank trucks. No action should be taken which is likely to result in spillage or back-up of Wastewater that would cause a problem greater than the existing one.
  - (4) Make every effort to trace the violating User, if unknown, by analytical and/or visual methods (as with tracing oil slicks from manhole to manhole), or by telephone , email, and/or visits to suspected facilities.
  - (5) Once the non-compliant User is known, its Discharge will be promptly and effectively stopped (or modified to eliminate the problem). This will be done

by any means available, including plugging its sewer connection, shutting off its water supply or entering its facility to make the necessary physical changes. The violating User shall, however, be given a reasonable opportunity to immediately stop the violation. Authority personnel shall attempt to contact the non-compliant User by telephone or in-person to inform the User of the violation. If the non-compliant User is cooperative, the Authority's representative may enter the facility unaccompanied by law enforcement personnel to assist the User in identifying and stopping the Discharge. When the violating User is uncooperative (or any time at the option of the Authority's representative), the Authority's representative will notify the municipal authorities and be accompanied by the police, fire department personnel, or a conservation officer when entering the property of the User.

- (6) When the non-compliant User is a willing party to corrective and remedial actions, it will be prompted to initiate and assume the costs and responsibility for cleanup actions, if necessary. This could include contracting with a waste hauler, hazardous waste hauler, and/or professional hazardous waste cleanup personnel.
- (7) The User will be formally notified of the violation by certified or registered mail.
- (8) The Authority will take sufficient samples and collect additional evidence (photographs, statements, etc.) as necessary for its protection and use in enforcement activity, including litigation.
- (9) A summary report will be prepared for each emergency violation occurrence. Distribution shall be to each concerned party. The report will address the following:
  - (i) Company, location, date;
  - (ii) Parameter, limitation, reported values;
  - (iii) How the emergency was discovered;
  - (iv) Corrective action taken;
  - (iv) Nature of incident (accidental spill, unintentional Discharge, or intentional Discharge);
  - (v) Costs to be recovered;
  - (vi) Environmental damages; and

- (vii) Recommendations (litigation, spill plan, containment, etc.).
- (10) If time allows, the Authority Board may, at a regular or special meeting, discuss the actions to be taken, if any, as a result of the violation.
- (11) The Authority will record and bill the User for actual costs incurred due to the violation. Failure by the User to pay these costs may result in a lien placed on the User's property and/or litigation.
- (e) All violations meeting the criteria for SNC will be addressed with an administrative order or other appropriate enforcement action within 30 days of the identification of SNC.

**CHAPTER 4**

**IPP ADMINISTRATIVE FINES**

The amounts listed in this table of Administrative Fines are for internal guidance only. A maximum civil or administrative fine of \$1,000.00 and a maximum criminal fine of \$500.00 are available for any and all violations. The Authority may determine, in its discretion, what administrative fine is appropriate for any violations, consistent with the Restated Rules and Regulations.

VIOLATION TYPE	NATURE OF VIOLATION	FINE	PERIOD FOR RECURRING OFFENSE
<b>ADMINISTRATIVE FINES</b>			
1. Unpermitted Discharge	IU unaware of requirement; harm to the Wastewater System	\$500.00	1 year
	Failure to comply continues after notice by the Superintendent	\$1,000.00	N/A*
	IU has not submitted application 10 days after due date	\$500.00	1 year
2. Exceedance of Federal Standards, Local Limits, or permit limits	Isolated SNC, no harm	**	1 year
	Isolated SNC, harm	\$500.00	3 months
	Recurring not SNC	**	1 year
	Recurring SNC, no harm	\$500.00	3 months
	Recurring SNC, harm	\$1,000.00	3 months
	Report is improperly signed or certified after notice by the Superintendent	**	1 year



<b>VIOLATION TYPE</b>	<b>NATURE OF VIOLATION</b>	<b>FINE</b>	<b>PERIOD FOR RECURRING OFFENSE</b>
3. Reporting violation, self-monitoring IU survey, etc.	Report is late, significant, over 30 days late	\$50.00	6 months
3. Reporting violation, self-monitoring IU survey, etc.	Failure to report spill or changed Discharge (no harm)	**	1 year
	Repeated failure to report spill	\$500.00	N/A*
4. Failure to monitor	Failure to monitor all Pollutants required by permit	**	6 months
5. Improper sampling	Unintentional at incorrect location	**	N/A*
6. Failure to install monitoring equipment	Delay of 30 days or more	\$500.00	1 year
7. Compliance schedule	Missed milestone by more than 30 days	**	1 year
8. Wastestreams are diluted in lieu of Treatment	Initial violation	\$500.00	1 year
	Recurring violation	\$1,000.00	N/A*
9. Failure to mitigate non-compliance or halt production	Does not result in harm	\$500.00	1 year
	Does result in harm	\$1,000.00	N/A*
10. Failure to properly operate and maintain Pretreatment facility	Does not result in harm	**	6 months
	Does result in harm	\$500.00	1 year
11. Failure to comply with MRP	Isolated SNC no harm	**	1 year
	Recurring SNC no harm	**	1 year
	Isolated SNC harm	\$500.00	1 year
	Recurring SNC harm	1,000.00	1 year
12. Exceedance of mercury limitation while under MRP, permit requirement	Isolated or recurring no harm or Pass Through, not in compliance with MRP commitments or schedules	\$100.00	1 year
13. Exceedance of mercury limitation while under MRP, Administrative Order requirement	Isolated or recurring no harm or Pass Through, not in compliance with MRP commitments or schedules	**	1 year
	Illegal Discharges no harm	**	1 year

<b>VIOLATION TYPE</b>	<b>NATURE OF VIOLATION</b>	<b>FINE</b>	<b>PERIOD FOR RECURRING OFFENSE</b>
14. Violation detected during site visit	Illegal Discharge creates harm or evidence of intent/negligence	\$500.00	1 year
14. Violation detected during site visit	Inadequate record keeping, recurring	**	1 year
	Inspection finds additional files, recurring	**	1 year

\*N/A means offense accumulation time is not applicable or each offense or each day of each offense is considered to be separate and new offense per Section 6.9 of Restated Rules and Regulations.

\*\*To be determined on situation & circumstance, based on (without limitation) the criteria or factors identified in Section II, above.

The amounts listed in this table of Administrative Fines are for internal guidance only. A maximum civil or administrative fine of \$1,000.00 and a maximum criminal fine of \$500.00 are available for any and all violations. The Authority may determine, in its discretion, what administrative fine is appropriate for any violations, consistent with the Restated Rules and Regulations.