

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**AN ORDINANCE TO REPEAL EXISTING CHAPTER 1045 (“SEWER USE AND PRETREATMENT”) OF PART 10 (“STREETS, UTILITIES AND PUBLIC SERVICES”) OF THE CITY OF COOPERSVILLE CODE OF ORDINANCES AND TO ADD A NEW CHAPTER 1045 TO THE CODE OF ORDINANCES ENTITLED “SANITARY SEWER COLLECTION SYSTEM” TO ESTABLISH UNIFORM REQUIREMENTS FOR USE OF THE CITY’S SANITARY SEWER COLLECTION SYSTEM, INCLUDING REGULATION OF THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, SEWER INSTALLATIONS AND CONNECTIONS, AND TO PROVIDE FOR ENFORCEMENT, PENALTIES, AND OTHER RELIEF FOR VIOLATIONS.**

**THE CITY OF COOPERSVILLE, MICHIGAN, ORDAINS:**

**Sec. 1. Repeal of existing Chapter 1045 (“Sewer Use and Pretreatment”) of Part Ten (“Streets, Utilities and Public Services Code”) of the City of Coopersville Code of Ordinances.** Existing Chapter 1045 (“Sewer Use and Pretreatment”) of Part Ten (“Streets, Utilities and Public Services Code”) of the City of Coopersville Code of Ordinances is hereby repealed in its entirety.

**Sec. 2. Adoption of new Chapter 1045 (“Sanitary Sewer Collection System”) of Part Ten (“Streets, Utilities and Public Services Code”) of the City of Coopersville Code of Ordinances.** A new Chapter 1045 (“Sanitary Sewer Collection System”) is hereby added to Part Ten (“Streets, Utilities and Public Services Code”) of the City of Coopersville Code of Ordinances to read in its entirety as follows:

**CHAPTER 1045 Sanitary Sewer Collection System**

**Table of Contents**

<b>Division 1. General Provisions.....</b>	<b>6</b>
1045.01 PURPOSE AND SCOPE.....	6
1045.02 DEFINITIONS.....	7
<b>Division 2. Use of Public Sewers Required.....</b>	<b>17</b>

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1045.03 UNLAWFUL DEPOSITION.....	17
1045.04 DISCHARGE PROHIBITED WITHOUT REQUIRED APPROVALS, PERMITS, AND TREATMENT.....	17
1045.05 UNLAWFUL CONSTRUCTION.....	18
1045.06 REQUIRED CONNECTION TO AVAILABLE SANITARY SEWER.....	18
1045.07 WASTE DISCHARGE PROHIBITED EXCEPT THROUGH APPROVED SEWER CONNECTION.....	18
<b>Division 3. Private Wastewater Disposal.....</b>	<b>18</b>
1045.08 PRIVATE TREATMENT AND DISPOSAL REQUIREMENTS.....	18
1045.09 ADDITIONAL PUBLIC HEALTH REQUIREMENTS.....	19
1045.10 PUBLIC SEWER BECOMES AVAILABLE.....	19
<b>Division 4. Building Sewers and Connections.....</b>	<b>19</b>
1045.11 PERMIT REQUIRED.....	19
1045.12 BUILDING SEWER CONNECTION PERMITS; PLUMBING PERMITS; STREET OPENINGS.....	19
1045.13 PERFORMANCE BONDS; INSURANCE.....	20
1045.14 MULTIPLE BUILDINGS; SEPARATE USES WITHIN BUILDINGS.....	20
1045.15 EXISTING BUILDING SEWERS.....	21
1045.16 CONSTRUCTION SPECIFICATIONS.....	21
1045.17 BUILDING SEWER ELEVATION AND LOCATION.....	21
1045.18 FLOOR DRAINS; BACKWATER VALVE DEVICES.....	21
1045.19 LOW BUILDING SEWERS.....	21
1045.20 CONNECTION SPECIFICATIONS.....	22
1045.21 NOTIFICATION; BUILDING SEWER INSPECTION.....	22
1045.22 PROTECTION AND RESTORATION.....	22
1045.23 CAPACITY REQUIRED.....	22
1045.24 CONNECTION TO SOURCES OF RUNOFF PROHIBITED.....	22
1045.25 PRETREATMENT OF ANY DISCHARGE MAY BE REQUIRED.....	22
<b>DIVISION 5. CONDITIONS OF SERVICE.....</b>	<b>23</b>
1045.26 RESPONSIBILITIES AND LIABILITIES FOR PRIVATE SEWER LINES.....	23
1045.27 WATER METERS.....	24
1045.28 DISRUPTION OF SERVICE.....	24
1045.29 SERVICE INSPECTIONS.....	24
<b>Division 6. Regulation of Discharges to the SSCS.....</b>	<b>24</b>

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1045.30 DISCHARGE PROHIBITIONS.....	24
1045.31 RIGHT OF REVISION.....	32
1045.32 CITY'S RIGHT TO REFUSE OR CONDITION DISCHARGE.....	32
1045.34 MOST RESTRICTIVE STANDARDS AND REQUIREMENTS APPLY.....	32
1045.35 DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT.....	32
<b>Division 7. User Permits.....</b>	<b>33</b>
1045.36 USER PERMIT REQUIRED.....	33
1045.37 DETERMINATION OF USER STATUS.....	34
1045.38 PERMIT APPLICATION DEADLINES.....	34
1045.39 PERMIT APPLICATION REQUIREMENTS.....	35
1045.40 PERMIT ISSUANCE, DENIAL, OR DETERMINATION THAT PERMIT NOT REQUIRED.....	39
1045.41 PERMIT CONDITIONS.....	40
1045.42 PERMIT MODIFICATIONS.....	42
1045.43 PERMIT DURATION.....	43
1045.44 PERMIT REISSUANCE.....	43
1045.45 CONTINUATION OF EXPIRED PERMITS.....	43
1045.46 PERMIT SUSPENSION AND REVOCATION.....	43
1045.47 LIMITATIONS ON PERMIT TRANSFER.....	44
1045.48 DUTY TO PROVIDE INFORMATION.....	45
1045.49 PERMIT APPEALS.....	46
1045.50 PERMITS NOT STAYED.....	46
1045.51 PERMIT FEES.....	46
<b>Division 8. Reporting and Notice Requirements.....</b>	<b>46</b>
1045.53 REPORTS REQUIRED FOR NONDOMESTIC USERS NOT SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS.....	46
1045.54 NOTICE BY USER OF POTENTIAL PROBLEMS.....	47
1045.55 NOTICE BY USER OF VIOLATION OF PRETREATMENT STANDARDS.....	47
1045.56 NOTICE BY USER OF CHANGED DISCHARGE OR CHANGE IN USER STATUS.....	47
1045.57 NOTICE BY USER REGARDING WASTES THAT ARE OTHERWISE HAZARDOUS.....	48
1045.58 NOTICE BY USER REGARDING INSTALLATION OF NEW PRETREATMENT FACILITIES.....	49
1045.59 NOTICE OF INTENT.....	49
1045.60 OTHER REPORTS AND NOTICES REQUIRED BY THIS DIVISION OR BY OTHER APPLICABLE LAWS AND REGULATIONS.....	49

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1045.61	REQUIREMENTS APPLICABLE TO ALL REQUIRED REPORTS, NOTIFICATIONS, AND APPLICATIONS.....	50
1045.62	SIGNATURE AND CERTIFICATION REQUIREMENTS.....	51
<b>Division 9. Sampling, Analysis and Monitoring Requirements.....</b>		<b>52</b>
1045.63	SAMPLING AND ANALYTICAL TECHNIQUES AND PROCEDURES.....	52
1045.64	SAMPLING FREQUENCY.....	52
1045.65	SAMPLE TYPES.....	52
1045.66	SAMPLING METHODS, EQUIPMENT AND LOCATION.....	53
1045.67	COSTS OF MONITORING, SAMPLING AND ANALYSES.....	53
1045.68	SELF-MONITORING.....	53
1045.69	SAMPLING AND ANALYSES PERFORMED BY CITY.....	54
1045.70	SPLIT SAMPLES AND SAMPLE RESULTS.....	55
1045.71	MAINTENANCE, REPAIR AND CALIBRATION OF EQUIPMENT.....	55
1045.72	REQUIRED SAMPLING STRUCTURES AND DEVICES.....	55
1045.73	DETERMINATION OF FLOW.....	57
<b>Division 10. Accidental Discharges.....</b>		<b>57</b>
1045.74	GENERAL.....	57
1045.75	DESIGNATION OF PERSON IN CHARGE OF DISCHARGE OPERATIONS.....	58
1045.76	DESCRIPTION OF CHEMICALS STORED, USED OR MANUFACTURED BY USER; USER DISCHARGES; USER PREMISES.	59
1045.77	SEGREGATION OF WASTEWATERS REQUIRING PRETREATMENT.....	59
1045.78	SECONDARY CONTAINMENT REQUIREMENTS.....	59
1045.79	SUBMISSION OF POLLUTION INCIDENT PREVENTION PLAN.....	60
1045.80	POSTING OF ACCIDENTAL DISCHARGE INFORMATION.....	60
1045.81	NOTICE OF ACCIDENTAL DISCHARGE.....	60
1045.82	SLUG CONTROL PLAN.....	61
<b>Division 11. Confidential Information.....</b>		<b>61</b>
1045.89	CONFIDENTIAL INFORMATION.....	61
<b>Division 12. Records Retention.....</b>		<b>63</b>
1045.90	MAINTENANCE OF RECORDS.....	63
<b>Division 13. Administration of the SCSS.....</b>		<b>64</b>
1045.91	OPERATION AND MANAGEMENT OF SCSS.....	64

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1045.92 POWERS OF CITY MANAGER.....	64
<b>Division 14. User Pollution Controls.....</b>	<b>65</b>
1045.93 PROVISION BY USERS OF NECESSARY PRETREATMENT FACILITIES.....	65
1045.94 PROPER OPERATION AND MAINTENANCE.....	65
1045.95 REMOVED SUBSTANCES.....	65
1045.96 DUTY TO HALT OR REDUCE ACTIVITY.....	66
1045.97 DUTY TO MITIGATE.....	66
1045.98 DUTY TO PRETREAT PRIOR TO DISCHARGE TO SCSS.....	66
1045.99 IMPLEMENTATION OF BEST MANAGEMENT PRACTICES OR BEST MANAGEMENT PRACTICES PLAN.....	66
1045.100 FOG INTERCEPTORS; ALTERNATE FOG PRETREATMENT TECHNOLOGY; SAND TRAPS.....	68
1045.101 ADDITIONAL PRETREATMENT MEASURES.....	72
<b>Division 15. Enforcement.....</b>	<b>73</b>
1045.102 SCSS INSPECTION, SURVEILLANCE AND MONITORING AUTHORITY; RIGHT OF ENTRY.....	73
1045.103 NOTICE OF VIOLATION.....	75
1045.104 ORDERS AND SUPPLEMENTAL ENFORCEMENT TOOLS.....	76
1045.105 SERVICE OF NOTICES OF VIOLATIONS, ORDERS AND NOTICES OF ASSESSMENTS.....	80
1045.106 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.....	81
1045.107 MUNICIPAL CIVIL INFRACTIONS.....	81
1045.108 CRIMINAL PENALTIES; IMPRISONMENT.....	83
1045.109 CONTINUING VIOLATION.....	83
1045.110 NUMBER OF VIOLATIONS.....	83
1045.111 NUISANCE.....	84
1045.112 REIMBURSEMENT.....	85
1045.113 REVIEW OR APPROVAL BY CITY.....	86
1045.114 SEVERANCE OR SUSPENSION OF SEWER AND/OR WATER SERVICE.....	86
1045.115 JUDICIAL RELIEF.....	86
1045.116 CUMULATIVE REMEDIES.....	87
<b>Division 16. Administrative Review and Appeals.....</b>	<b>87</b>
1045.117 PROCEDURES AVAILABLE.....	87
1045.118 REVIEW AND RECONSIDERATION BY THE CITY MANAGER.....	87
1045.119 APPEAL TO WASTEWATER BOARD OF APPEALS.....	87

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1045.120 PAYMENT OF CHARGES, PENALTIES, FINES, AND OTHER COSTS OR FEES PENDING OUTCOME OF A PPEAL. 89	
1045.121 FINALITY OF ACTION.....	89
1045.122 APPEALS FROM DETERMINATION OF WBA.....	89
<b>Division 17. Protection From Damage.....</b>	<b>89</b>
1045.123 PROTECTION FROM DAMAGE.....	89
<b>Division 18. Municipal Liability.....</b>	<b>89</b>
1045.124 MUNICIPAL LIABILITY.....	89
<b>Division 19. Use of Public Sewers Conditional.....</b>	<b>90</b>
1045.125 USE OF PUBLIC SEWERS CONDITIONAL.....	90
<b>Division 20. Vacation of Hazardous Property.....</b>	<b>90</b>
1045.126 VACATION OF HAZARDOUS PROPERTY.....	90
<b>Division 21. SCSS Fees.....</b>	<b>90</b>
1045.127 PURPOSE.....	90
1045.128 SCSS FEES.....	90
1045.129 SCSS FEE AMOUNTS.....	91
1045.130 SURCHARGES.....	91
1045.131 BILLING AND COLLECTION OF SCSS FEES.....	92
<b>Division 22. Sewer Service Fee.....</b>	<b>92</b>
1045.132 SEWER SERVICE FEE.....	92
<b>Division 23. Delinquent Accounts.....</b>	<b>92</b>
1045.133 DELINQUENT ACCOUNTS.....	92

\* \* \*

**CHAPTER 1045 Sanitary Sewer Collection System**  
**DIVISION 1. GENERAL PROVISIONS**

**1045.01 PURPOSE AND SCOPE.**

- (a) The purposes of this chapter include, but are not limited to, the following:
- (1) To establish uniform requirements for use of the City of Coopersville Sanitary Sewer C ollection System (the “City’s Sanitary Sewer Collection System” or “the SSCS”),

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- including regulation of the use of public and private sewers and drains, private sewage disposal, sewer installations and connections, and to provide for enforcement, penalties, and other relief for violations.
- (2) To authorize and require all inspection and enforcement activities as necessary to insure compliance with requirements applicable to the SSCS.
  - (3) To provide for the equitable distribution and recovery of costs from users of the SSCS sufficient to administer regulatory activities and to meet the costs of the operation, maintenance, repair, replacement, and improvement of the SSCS.
- (b) This chapter applies to any person, whether located within the City or outside the City, that discharges wastewater to the SSCS.
  - (c) This chapter also applies to any person owning, using, constructing or maintaining any private system or facility intended or used for the disposal of sewage or wastewater within the City or under the City’s jurisdiction.
  - (d) It shall be unlawful for any person to connect to or discharge any wastewater or pollutant to the SSCS or to any storm sewer or natural outlet within the City or in any area under the jurisdiction of the City, except in accordance with the provisions of this chapter and other applicable laws and regulations.
  - (f) If any user discharges or proposes to use or connect to the SSCS in manner that is prohibited or limited by this chapter, the City may take any action as provided by this chapter or other applicable laws or regulations to assure and require compliance with the provisions of this chapter.
  - (g) Except as otherwise expressly provided by this Chapter, the strength, quantity, and other characteristics of discharges to the SSCS that are in turn discharged directly or indirectly into of the Muskegon County Wastewater Management System shall be governed by and subject to the pretreatment standards and requirements of Chapter 1045A (“Industrial Pretreatment Program Regulations For Discharges Of Wastewater From The City To The Muskegon County Wastewater Management System”) of Part 10 (“Streets, Utilities and Public Services”) of the City of Coopersville Code of Ordinances.

**1045.02 DEFINITIONS.**

Unless the context specifically indicates otherwise, the following terms shall have the following meanings as used in this chapter:

“Alternative FOG Pretreatment Technology” or “AFPT” means a device to trap, separate, and hold FOG from wastewater and prevent it from being discharged into the SCSS, other than an outdoor FOG interceptor.

“Best management practice” or “BMP” means any practice, program, procedure, control, technique or measure (used singularly or in combination), that a user is required to adopt or implement to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances to the SSCS, as determined necessary by the City Manager. BMPs include, but

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

are not limited to: schedules of activities; pollution treatment practices or devices; prohibitions of practices; good housekeeping practices; pollution prevention, minimization and reduction measures; educational practices and programs; maintenance procedures; other management programs, practices or devices; treatment requirements; notice, reporting, and recordkeeping requirements; and operating procedures and practices to control or contain site runoff, spillage or leaks, batch discharges, sludge or water disposal, or drainage from product and raw materials storage. BMPs may be structural, nonstructural, or both. In determining what BMPs will be required of a user in a particular case, the City Manager may consider all relevant technological, economic, practical, and institutional considerations as determined relevant and appropriate by the City Manager, consistent with achieving and maintaining compliance with the requirements of this chapter and other applicable laws and regulations.

“Building drain” means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to a building sewer. The building drain shall be deemed to begin five feet outside the inner face of the building wall.

“Building sewer” means the extension from the building drain to the public sewer or other place of disposal (such as a grinder pump). The building sewer shall be deemed to begin five feet outside the inner face of the building wall.

“Cesspool” means an underground pit into which domestic waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

“City” means the City of Coopersville, Ottawa County, Michigan, or the City’s authorized representatives.

“City Manager” means the City Manager of the City or the City’s Manager’s designees.

“City’s Sanitary Sewer Collection System” or “SSCS” means the complete sanitary sewer collection system owned and/or operated by the City. It includes by way of example sewers, gravity mains, force mains, pipes, conduits, conveyances, and all other associated structures or facilities, including manholes, control structures, lift stations, pumps, and storage lagoons, along with any sampling or metering devices and other equipment and facilities, owned and/or operated by the City used for collection and conveyance of discharges from users from the point of origin to a facility for treatment or disposal. This definition does not include storm sewers or stormwater-only conveyances.

“Compatible pollutant” means a pollutant that, as determined by the City Manager, will not interfere with the SSCS, and which is otherwise not incompatible with the operation or in excess of the capacity at the SSCS. The term “compatible” is a relative concept that must be determined on a case-by-case basis. In determining whether or not a pollutant is compatible with the SSCS, the City Manager may consider, without limitation, the nature and qualities of the pollutant, and the concentration, mass, and flow rate at which the pollutant is (or is proposed to be) discharged. Thus, for example, even pollutants such as BOD, fats, oils or grease, phosphorous, suspended solids, and fecal coliform bacteria, which may typically be considered “compatible,” may be determined incompatible by the City Manager if discharged in concentrations or flows that

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

would cause interference or exceed the SSCS's capacity. Specifically excluded from the definition of compatible pollutant are any pollutants that will likely contribute or cause operational problems.

“Cooling water” means water used for cooling purposes only, including both contact and noncontact cooling water.

“Cooling water (contact)” means water used for cooling purposes only that may become contaminated or polluted either through the use of water treatment chemicals (such as corrosion inhibitors or biocides) or by direct contact with process materials and/or wastewater.

“Cooling water (noncontact)” means water used for cooling purposes only that has no direct contact with any raw material, intermediate product, final product, or waste, and that does not contain a detectable level of contaminants higher than that of the intake water (for example, the water discharged from uses such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat

“Days” means, for purposes of computing a period of time prescribed or allowed by this chapter, consecutive calendar days.

“Discharge” means the introduction of waste, wastewater, effluent, or pollutants into the SSCS, whether intentional or unintentional, and whether directly (such as through an approved sewer connection or other approved discharge point as authorized by this chapter) or indirectly (including, but not limited to, sources such as inflow and infiltration).

“Dwelling” (as in “residential dwelling”) means any structure designed for habitation, including, but not limited to, houses, mobile homes, apartment buildings, condominiums, and townhouses where each dwelling unit contains, at a minimum, sleeping facilities, a toilet, a bath or shower, and a kitchen.

“Effluent” means wastewater or other liquid, partially or completely treated, flowing from a reservoir, basin treatment process, treatment plant, disposal facility or toilet device.

“EGLE” means the Michigan Department of Environment, Great Lakes, and Energy, or its successor department or agency.

“EPA” means the United States Environmental Protection Agency.

“Excessive” means at such a flow, rate, magnitude or amount that, in the judgment of the City Manager, it may cause damage to any facility or the SSCS; may adversely affect the management or operation of the SSCS; may cause interference; may endanger worker health and safety; may constitute a public nuisance; may be inconsistent with the requirements, purposes or objectives of this chapter; or may otherwise adversely impact the public health, safety or welfare or the environment.

“Fats” or “FOG” means fats, oil or grease consisting of any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other nonvolatile material of animal, vegetable or mineral origin that is extractable by solvents in accordance with standard methods.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

“Food service establishment” or “FSE” means any premises where food or beverages are prepared and served or consumed, whether fixed or mobile, with or without charge, and whether on or off the premises. FSEs shall include, but are not limited to, restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores with on-site food preparation, and ice cream parlors. The following shall not be subject to the interceptor/APT requirements under Section 1045.100 of this chapter except as otherwise determined necessary by the City Manager to meet the purposes and objectives of this chapter:

- (a) A private residential dwelling unit where the food is prepared and served or consumed solely by the occupants of the dwelling unit;
- (b) A premises where the only food prepared and served or consumed is dispensed from automatic vending machines; and
- (c) A “Temporary Food Service Establishment” meaning an FSE operating at a fixed location for not more than fourteen consecutive days in conjunction with a single event or celebration.

“Footing drain” means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.

“Garbage” means solid wastes from the storage, preparation, cooking, serving, dispensing, canning, or packaging of food, or from the growing, handling, storage, processing or sale of produce or other edible products. It is composed largely of putrescible organic matter and its natural or added moisture content.

“General user permit” means a permit issued to any user other than a significant industrial user as provided by this chapter to control discharges to the SSCS and to ensure compliance with applicable pretreatment standards and requirements.

“Grease trap” means a device designed to separate and retain fats, oils, and grease from liquid waste and permit the liquid waste to discharge into the SSCS.

“Grinder pump” means, in a grinder pump system, the device to which the building sewer connects and which grinds and pumps the sewage to the public sewer.

“Grinder pump system” means the publicly owned grinder pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately owned building sewer and the public sewer system.

“Hazardous waste” means any substance discharged or proposed to be discharged into the SSCS, that (1) if otherwise disposed of would be a hazardous waste under 40 CFR Part 261 or under the rules promulgated under the state hazardous waste management act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL 324.11101 et seq., as amended); or (2) is otherwise a waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed, as determined by the City Manager.

“Incompatible pollutant” means any pollutant that is not a compatible pollutant.

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

“Inflow” means any waters entering the SSCS from sources such as, but not limited to, building downspouts; roof leaders; cellar, yard, and area drains; foundation and footing drains; cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers; catch basins; stormwaters; surface runoff; street wash waters; or drainage.

“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources that inhibits or disrupts the SSCS, or its use or operations.

“Lateral sewer” means that portion of the sewer system located under the street or within the public right-of-way from the property line to the trunk line and which collects sewage from a particular property for transfer to the trunk line. (A lateral sewer is sometimes also referred to as a sewer stub or sewer lead.)

“Local limit” means a specific enforceable prohibition, standard or requirement (numerical or nonnumerical) on discharges by nondomestic users established by the City to meet the purposes and objectives of this chapter.

“May” is permissive.

“MAC” means the Michigan Administrative Code.

“Medical waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes, and includes any medical or infectious wastes as defined by EGLE.

“Muskegon County Wastewater Management System” means the POTW as defined and provided by Chapter 1045A (“Industrial Pretreatment Program Regulations For Discharges Of Wastewater From The City To The Muskegon County Wastewater Management System”) of Part 10 (“Streets, Utilities and Public Services”) of the City of Coopersville Code of Ordinances.

“Natural outlet” means any naturally formed outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“Noncontact cooling water.” See “Cooling water (noncontact).”

“Nondomestic user” means any user other than a domestic user (i.e., any user that discharges anything other than segregated normal strength domestic waste into the SSCS). The determination of whether or not a user is a “nondomestic user” shall be made by the City

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

Manager at the City Manager's or the City Manager's sole discretion as determined necessary by the City Manager to achieve the purposes and objectives of this chapter. Any user that has the reasonable potential, as determined by the City Manager, to discharge any waste other than normal strength domestic waste into the SSCS, may be deemed a nondomestic user for purposes of this chapter.

"Nondomestic waste" means any wastewater (or water- or liquid-carried waste) other than domestic waste. The determination of whether or not a waste is a "nondomestic waste" shall be made by City Manager at the City Manager's or the City Manager's sole discretion as determined necessary by the City Manager to achieve the purposes and objectives of this chapter. Any waste that has the reasonable potential, as determined by the City Manager, to be not entirely composed of normal strength domestic waste may be deemed nondomestic waste for purposes of this chapter.

"Normal strength domestic waste" means a domestic waste flow which must have a pH between 6.5 and 8.5, must not exceed any local limit, and must not contain a concentration of other constituents that would interfere with the SSCS. The determination of whether or not a waste stream is "normal strength domestic waste" shall be made by City Manager at the City Manager's or the City Manager's sole discretion as determined necessary by the City Manager to achieve the purposes and objectives of this chapter.

"Obstruction" means anything of whatever nature that impedes the flow of wastewater from the point of origination to the trunk line and anywhere else within the SSCS. This includes, but is not limited to, objects, sewage, garbage, FOG, tree roots, rocks and debris of any type.

"Operation, maintenance, repair, replacement, and improvement" means all work, materials, equipment, utilities, and other efforts required to operate and maintain the SSCS consistent, at a minimum, with insuring adequate collection and conveyance of wastewater in compliance with applicable State and Federal regulations, and includes the cost of repair, replacement, and improvement, in whole or in part.

"Outfall" means the point (or points) of discharge by a user to the SSCS, approved by the City and specified in a user permit.

"Owner" means the owner of record of the freehold of a premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a premises.

"Person" means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" means the quantitative measure of acidity or alkalinity of a solution, defined as the negative logarithm (base 10) of the concentration of hydrogen ions in moles/liter.

"Pollutant" includes, but is not limited to, any of the following:

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (a) Any material that is discharged into water or other liquid, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.
- (b) Properties of materials or characteristics of wastewater, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.
- (c) Substances regulated by categorical standards.
- (d) Substances discharged to the SSCS that are required to be monitored by a user under this chapter.
- (e) Substances for which control measures on users are necessary to avoid SSCS operational problems; or to avoid SSCS worker health and safety problems.

“Premises” means a lot, tract, parcel or plot of land, or a building or structure, or any part thereof, having any connection, directly or indirectly, to the SSCS, or from which there is a discharge to the SSCS.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before or instead of discharging or otherwise introducing such pollutants into the SSCS. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or other means, except for the use of dilution (unless expressly authorized by any applicable pretreatment standard or requirement and the City Manager) and except for the use other means prohibited by applicable local, State, or Federal laws or regulations. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings, subject to applicable requirements of local, State and Federal laws and regulations.

“Pretreatment requirement” means any substantive or procedural requirement imposed on a user related to pretreatment, other than a national pretreatment standard.

“Pretreatment standard” means any regulation containing pollutant discharge limits promulgated in accordance with Section 307(b) and (c) of the Act or Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL 324.3101 et seq., including general and specific prohibitive discharge limits and local limits established in this chapter pursuant to MAC R 323.2303, and categorical standards.

“Private sewer line” means any sewer service line, equipment, or facilities for the disposal of wastewater installed or located on any premises and/or within the street right-of-way that transports wastewater from the premises to the public sewer, such as the building sewer and the lateral sewer, and including any structure or facility that exists on the premises.

“Private wastewater disposal system” means a cesspool, septic tank, cesspool or similar device, or part thereof, not connected to a public sewer.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

“Process wastewater” means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

“Properly shredded garbage or other solid material” means garbage or other solid material that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the SSCS (or so as to otherwise not result in interference), with no particle greater than one-half inch in any dimension.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

“Reasonable potential.” As used in this chapter, a determination of “reasonable potential” by the City Manager means a determination made by the City Manager that a certain condition, state, result or circumstance exists, or is likely to exist, based upon the quantitative or qualitative factors or information deemed by the City Manager to be relevant and appropriate to the determination, consistent with the purposes and objectives of this chapter.

“Replacement” means expenditures for obtaining and installing equipment, accessories, or appurtenances that are necessary to maintain the capacity or performance during the service life of the system for which the system was designed or constructed.

“Residential dwelling” means any structure designed for habitation, including, but not limited to, houses, mobile homes, apartment buildings, condominiums, and townhouses where each dwelling unit contains, at a minimum, sleeping facilities, a toilet, a bath or shower, and a kitchen.

“Sanitary sewage.” See “Domestic waste.”

“Sanitary sewer” means a sewer intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, and to which storm, surface and ground waters are not intentionally admitted.

“Sanitary sewer cleanout septage” means sanitary sewage or cleanout residue removed from a separate sanitary sewer collection system that is not land applied and that is transported by a vehicle licensed under Part 117 of Act 451 of the Public Acts of Michigan of 1994 (MCL 324.11701 et seq., as amended; “Septage Waste Servicers”) elsewhere within the same system or to a receiving facility that is approved by MDEQ.

“Seepage pit” means a cistern or underground enclosure constructed of concrete blocks, bricks or similar material loosely laid with open joints so as to allow the overflow or effluent to be absorbed directly into the surrounding soil.

“Septic tank” means a watertight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of suspended solids from sewage and to permit such retained solids to undergo decomposition therein.

“Service connection” means the portion of the public sewer which extends either to or onto the parcel of land adjacent to the path of the public sewer, and includes the sewer main, tee/wye,

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

valve, check valve, connector pipes, the sewer lead, the grinder pump system, electrical controls and connections at the electric meter (but not including the meter) and appurtenances, but not including the building sewer.

“Sewage.” See “Wastewater.”

“Sewer” means any pipe, tile, tube or conduit for carrying wastewater or drainage water.

“Sewer lead” means that portion of the service connection that connects to the sewer main located in the public right-of-way and extends to the property line.

“Sewer rates, fees and charges” means the rates, fees and charges for use of the SSCS as established from time to time by resolution of the City Council. Such rates, fees and charges include debt service charges required to retire debts resulting from capital or other costs incurred to contract, improve, expand, repair, maintain or replace a part of the SSCS and sufficient and proportionate use charges required of all users for the cost of SSCS operation, maintenance, repair, replacement, and improvement. Surcharges and other rates and fees may also be charged for wastes in amounts or concentrations regarding extra treatment services or costs or as required for exceeding established limits.

“Shall” is mandatory.

“Significant industrial user” or “SIU” means any user:

- (a) Subject to categorical pretreatment standards; or
- (b) Any other user that:
  - (1) Discharges to the SSCS an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blow-down wastewater); or
  - (2) Is otherwise designated by the City as a significant industrial user on the basis that the user has a reasonable potential to adversely affect the operation of the SSCS, , or because the City Manager determines that a nondomestic user permit for the user’s discharge is required to meet the purposes and objectives of this chapter.

The City Manager may determine that a user that meets the criteria of Section (b)(1) of this definition above is not currently an SIU, if the City Manager finds that the user has no reasonable potential to adversely affect the operation of the SSCS, or that a nondomestic user permit is not required to meet the purposes and objectives of this chapter. A determination that a user is not an SIU (or that a permit is therefore not required) shall not be binding and may be reversed by the City Manager at any time based on changed circumstances, new information, or as otherwise determined necessary by the City Manager to meet the purposes and objectives of this chapter.

“Slug” means any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

“State” means the State of Michigan. The term shall include, where applicable, any administrative agency of the State having jurisdiction in the subject matter of this chapter, including, but not limited to, EGLE.

“Storm sewer” or “storm drain” means a sewer or drain, either natural or artificial, intended to carry stormwater, snowmelt, and surface runoff and drainage, but not wastewater.

“Stormwater” means any flow (such as stormwater runoff, snow melt runoff, and surface runoff and drainage, but excluding wastewater) occurring during or following, and resulting from, any form of natural precipitation, and is that portion of flow in excess of that which infiltrates into the soil of the drainage area.

“Surcharge” means the additional charges made by the City for the treatment or handling of wastewater containing pollutants in excess of specified concentrations, loadings or other applicable limits, or for other purposes specified by this chapter.

“Suspended solids” (SS) or “total suspended solids” (TSS) means solids that float on the surface of, or are suspended in, water, wastewater, or other liquids and which can be removed by laboratory filtering or other standard methods.

“Toxic pollutant” means any pollutant or combination of pollutants that is or can potentially be harmful to the public health, the SSCS, or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by EGLE, or as provided by local, State or Federal laws, rules or regulations.

“Trunk line” means the main public sewer line located under any street or within any public right-of-way that collects and transmits the sewage of the various properties served by the sewer system.

“User” means any person who contributes, causes or permits the contribution, introduction or discharge of wastewater into the SSCS, whether intentional or unintentional, and whether directly or indirectly.

“User permit” means a nondomestic user permit or a general user permit.

“Wastewater” means the liquid and water-carried industrial or domestic waste from residential dwellings, commercial buildings, industrial facilities, and institutions (including, without limitation, contaminated groundwater and landfill leachate), whether treated or untreated, that is contributed, introduced or discharged into the SSCS. The term includes any water that has in any way been used and degraded or physically or chemically altered.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

“Waters of the State” means all rivers, streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface, or underground, natural or artificial, public or private,

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

which are contained within, flow through, or border upon the State of Michigan or any portion thereof, and as otherwise specified by applicable laws and regulations.

“Waters of the United States” means all waters as defined by 40 CFR 122.2 and as otherwise specified by applicable laws and regulations.

“Wye branch” means a local service connection to the sewer that is made at an angle similar to a “wye” so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side but will travel down the course of the sewer.

**DIVISION 2. USE OF PUBLIC SEWERS REQUIRED**

**1045.03 UNLAWFUL DEPOSITION.**

It shall be unlawful for any person to place, deposit or permit to be deposited, any human or animal excrement, garbage, wastewater pollutants, or other objectionable waste, upon or below, the surface of public or private property within the jurisdiction of the City, except by discharging such wastewater into an approved connection to a public sanitary sewer where available or an approved private wastewater disposal system.

**1045.04 DISCHARGE PROHIBITED WITHOUT REQUIRED APPROVALS, PERMITS, AND TREATMENT.**

Except as otherwise expressly permitted by local, State and Federal laws and regulations, and subject to obtaining all required permits and approvals from governmental agencies (including, without limitation, the City, EGLE, and the U.S. EPA) and providing any required treatment, it shall be unlawful to discharge, or permit or cause to be discharged, either directly or indirectly:

- (a) Polluted water, sewage or wastewater to any natural outlet within the City, to any waters of the State (or waters of the United States), or to any public sewer; or
- (b) Unpolluted water of any kind, including, without limitation, stormwater, surface water, groundwater, roof runoff, artesian well water, drainage water (surface or subsurface), industrial noncontact cooling water, air-conditioning water, swimming pool water, or industrial process waters to any sanitary sewer. Unpolluted water may be discharged only to a sewer that is specifically designated as a storm sewer or to a natural outlet, and only if all applicable permits and approvals have first been obtained from the City and other governmental bodies or agencies, and only if not prohibited by applicable local, State or Federal laws or regulations.
- (c) If any person drains or discharges any unpolluted water by means of conductors, eaves troughs, roof downspouts, footing drains, or otherwise, directly or indirectly, into a storm sewer, or natural outlet in violation of applicable laws or regulations, or into a sanitary sewer, the City Manager may order its disconnection at the property owner’s expense, and if the property owner refuses to obey the order of the City Manager’s order, then the City shall disconnect the connection and the costs shall be charged to the property owner.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.05 UNLAWFUL CONSTRUCTION.**

Except as hereinafter provided, and unless specifically authorized by the County Health Department, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of wastewater.

**1045.06 REQUIRED CONNECTION TO AVAILABLE SANITARY SEWER.**

The owner of any house, building, structure, premises, or property used for human occupancy, employment, recreation or other purposes, situated within the City, and abutting on any street, easement, alley, or right-of-way, in which there is located, or may in the future be located, a public sanitary sewer within 200 feet of the property line, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within ninety days after written notice from the City to do so, unless the same is technically impractical, as determined by the City. No private sewage works may be constructed, repaired or enlarged if any part of said property is within 200 feet of any right-of-way having a public sanitary sewer.

**1045.07 WASTE DISCHARGE PROHIBITED EXCEPT THROUGH APPROVED SEWER CONNECTION.**

All discharges to a sewer shall be through an approved sewer connection or at another discharge point expressly approved by the City Manager in accordance with this chapter. No person shall discharge any waste or other substances into a manhole, catch basin or inlet.

**DIVISION 3. PRIVATE WASTEWATER DISPOSAL**

**1045.08 PRIVATE TREATMENT AND DISPOSAL REQUIREMENTS.**

If a public sanitary sewer is not available under the provisions of Division 2, or if the City has determined that connection to the public sewer is otherwise impractical, the building sewer shall be connected to a private sewage disposal system complying with all requirements of this division, the County Health Department, and any other applicable laws and regulations.

- (a) Before commencement of a private sewage disposal system, the property owner shall first apply to the County Health Department for a soil evaluation test. If the soil evaluation test shows positive results, the property owner shall then apply to the County Health Department for a permit for installation for the proposed sewage system. The application shall include plans, specifications and other information as deemed necessary by the County Health Department. All fees for the soil evaluation test and the permit for installation shall be fully paid by the property owner to the County Health Department when and in the amounts specified by the County Health Department.
- (b) A permit shall not be issued for any private wastewater disposal system employing subsurface soil absorption facilities if the area of the lot is less than determined necessary by the City, the County Health Department, or the State, as applicable.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (c) A permit for a private sewage disposal system shall not become final and effective until the installation is completed to the satisfaction of the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection, and before covering any underground portions. Any person receiving a permit for a private sewage disposal system from the County Health Department shall provide the City with copies of the final approved inspection report issued by the County Health Department.
- (d) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations and requirements of the City, the County Health Department, and the State, as applicable.
- (e) No septic tank, cesspool, subsurface disposal facility or other private sanitary sewer system shall be permitted to discharge to any public sewer or natural outlet.
- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

**1045.09 ADDITIONAL PUBLIC HEALTH REQUIREMENTS.**

Nothing in this division shall be construed to interfere with any additional requirements that may be imposed by the City, the Michigan Department of Public Health, or any other governmental agency.

**1045.10 PUBLIC SEWER BECOMES AVAILABLE.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Division 2, a direct connection shall be made to the public sewer in compliance with this chapter at the user's sole expense; and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of any sludge, abandoned, and filled with clean bank-run gravel or dirt, at the user's sole expense.

**DIVISION 4. BUILDING SEWERS AND CONNECTIONS**

**1045.11 PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any part or appurtenance of the SSCS without first obtaining a written building sewer connection permit from the City.

**1045.12 BUILDING SEWER CONNECTION PERMITS; PLUMBING PERMITS; STREET OPENINGS.**

The property owner or the owner's agent shall make application for a building sewer connection permit on a form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information determined necessary and appropriate City. A connection fee and an inspection fee in the amounts as prescribed by the City from time to time shall be paid to the City Treasurer at the time the application is filed. A plumbing permit is also

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

required. If a street opening is required to make the lead connection, an additional attachment to the permit application must be completed. If the plans and specifications are approved by the City, a temporary construction permit shall be issued, subject to a final inspection and approval by the City when construction is completed and ready for connection with the public sewer.

**1045.13 PERFORMANCE BONDS; INSURANCE.**

- (a) Before any permit is issued by the City for excavating for plumbing or drain laying in any public street, way, or alley, the person applying for the permit may be required to execute and deposit with the City a performance bond with corporate security in the amount of the contracted or estimated work, conditioned upon faithful performance of all work with due care and skill, and in accordance with the laws, rules, and regulations established by the City pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the City and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistake or negligence on the person's part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this section. The bond shall remain in force and must be executed for a period of one year, except that, upon expiration, it shall remain in force as to all penalties, claims, or damages that may have accrued thereunder prior to the expiration.
- (b) The person applying for the permit shall also provide public liability insurance for the protection of the City, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with minimum limits of one million dollars (\$1,000,000.00) for one person, three hundred thousand dollars (\$300,000.00) for bodily injuries per accident, and fifty thousand dollars (\$50,000.00) for property damages.

**1045.14 MULTIPLE BUILDINGS; SEPARATE USES WITHIN BUILDINGS.**

A separate and independent building sewer shall be provided for each building. However, if any existing building is located on an interior lot so that a separate, independent building sewer is not available for the building, and one cannot be constructed to the building through an adjoining alley, courtyard or driveway, more than one building may be served with the same building sewer, subject to approval by the City Manager. In areas where laterals have not been made, or where unusual lot splits have occurred, leaving only one lateral for two properties, joint use of this lateral may be approved by the City Manager with the connection to the City sewer being allowed if determined consistent with the purposes and objectives of this chapter by the City Manager. Independent building sewers and/or control manholes may also be required for separate uses within a building, as determined necessary by the City Manager.

All discharge limits contained in this chapter shall apply to that portion of the lateral emanating from a single building or from each separate use within a building, as applicable. Compliance with pretreatment standards or local discharge limits prescribed by this chapter shall be determined based on each separate discharge to the common lateral prior to commingling with discharges from other sources.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.15 EXISTING BUILDING SEWERS.**

Old building sewers may be used in connection with new buildings only if they are found, on examination and test by the City Manager to meet all requirements of this chapter and other applicable laws and regulations. If an inspection by the City reveals that a connection may create a health or environmental hazard, nuisance, or is otherwise inconsistent with the purposes and requirements of this chapter, the building sewer shall be reconstructed or repaired at the owner's expense.

**1045.16 CONSTRUCTION SPECIFICATIONS.**

The pipe size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations as specified and determined by the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.

**1045.17 BUILDING SEWER ELEVATION AND LOCATION.**

Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall that might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction shall be made with no less than a forty-five degree bend. Each bend of forty-five degrees or more shall have an accessible cleanout. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that no backfill shall be placed until the City has inspected the work.

**1045.18 FLOOR DRAINS; BACKWATER VALVE DEVICES.**

Floor drains connected to the building sewer shall be required for all basements or cellars if the elevation of the public sanitary sewer will service the building. All required floor drains shall have check valves or backflow preventers that meet current laws and regulations as determined by the City.

**1045.19 LOW BUILDING SEWERS.**

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by artificial means and discharged to the building sewer, at the owner's expense, and subject to approval by the City.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.20 CONNECTION SPECIFICATIONS.**

The connection of the building sewer into the sanitary sewer system shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas-tight and watertight. All connections and joints, and any deviation from the prescribed procedures and materials, must be approved by the City before installation.

The connection of the building sewer into the public sewer shall be made at the wye branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated wye branch in the main sewer shall be made only as directed by the City.

**1045.21 NOTIFICATION; BUILDING SEWER INSPECTION.**

The applicant for the building sewer connection permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City.

**1045.22 PROTECTION AND RESTORATION.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the expense of the owner.

**1045.23 CAPACITY REQUIRED.**

Connection to a public sewer will not be allowed unless there is capacity available (in both wastewater volume and strength) in the SSCS and in all downstream sewers, pump stations, interceptors, and force mains, as determined by the City Manager.

**1045.24 CONNECTION TO SOURCES OF RUNOFF PROHIBITED.**

No person shall connect (or allow to remain connected) roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer. Any such connection shall be permanently disconnected at the sole expense of the owner of the premises.

**1045.25 PRETREATMENT OF ANY DISCHARGE MAY BE REQUIRED.**

Pretreatment of any discharge to the public sewer, including, but not limited to, grease, oil, and sand interceptors, shall be provided when, in the opinion of the City Manager, they are necessary. Such pretreatment measures may be required in addition to any such measures required by other applicable laws or regulations.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**DIVISION 5. CONDITIONS OF SERVICE**

**1045.26 RESPONSIBILITIES AND LIABILITIES FOR PRIVATE SEWER LINES.**

- (a) All costs and expenses incident to the installation, connection, maintenance, and repair of a building sewer, lateral sewer, and any other private sewer lines shall be borne solely by the property owner. Further, the property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of any private sewer line.
- (b) The City or a contractor hired or approved by the City shall construct any needed lateral sewer from the trunk line to the property line. The property owner shall pay all costs of such construction, including costs to construct any portion of the lateral within the public right-of-way.
- (c) The property owner shall maintain, clean and repair any private sewer lines on the property at the property owner's expense as necessary to keep the private lines free and clear of obstructions and in good working order, and shall maintain and keep clear of obstructions the lateral sewers servicing the property.
- (d) The City shall maintain, clean, and repair as necessary and at the City's expense the sewer trunk lines, but shall not be responsible for cleaning, maintenance, repair of, or liability for, private sewer lines, including, but not limited to, the building sewer and the lateral sewer.
- (e) If there is a dispute as to whether needed maintenance, cleaning, or repair of a portion of sewer line is the responsibility of the property owner or the City under the provisions of this chapter, it shall be the duty of the property owner to establish that the obstruction, disrepair, or defect has occurred in that portion of the public sewer for which the City is responsible. If the property owner fails to establish the City's responsibility, it shall be the property owner's responsibility to perform the necessary cleaning, maintenance, and repair as provided in this chapter. If the City's responsibility is established, the City shall perform the necessary cleaning, maintenance, or repair and shall reimburse the property owner for reasonable expenses incurred in locating the defect in the line or in otherwise establishing the City's responsibility.
- (f) Any property owner who violates the provisions of this chapter shall be liable to the City for all costs, expenses, and damages incurred by the City in correcting the problem. Further, if any property owner fails to maintain a private sewer line as required by this chapter, in addition to the other penalties prescribed, the private sewer may be declared a public nuisance by the County Health Department and the problem may be corrected by the City. Any costs so incurred by the City shall be assessed against the property and become a lien on the property if not timely paid.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.27 WATER METERS.**

All users shall have meters on all water sources that ultimately discharge into the SSCS or shall meter the liquid wastes at the point of discharge into the SSCS. All meters shall be approved by the City.

**1045.28 DISRUPTION OF SERVICE.**

The City shall not be held responsible for claims made against it by reason of the breaking of any sewer or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

**1045.29 SERVICE INSPECTIONS.**

All premises receiving sanitary sewer service shall at all times be subject to inspection by duly authorized personnel of the City.

**DIVISION 6. REGULATION OF DISCHARGES TO THE SSCS**

**1045.30 DISCHARGE PROHIBITIONS.**

Discharges to the SSCS that are in turn discharged directly or indirectly into of the Muskegon County Wastewater Management System shall be primarily governed by and subject to the pretreatment standards and requirements of Chapter 1045A (“Industrial Pretreatment Program Regulations For Discharges Of Wastewater From the City To The Muskegon County Wastewater Management System”) of Part 10 (“Streets, Utilities and Public Services”) of the City of Coopersville Code of Ordinances; provided, however, that the City may adopt ordinances such as this chapter 1045 or adopt amendments to its existing ordinances regulating the discharge of wastewaters to SSCS that may require the City’s approval or issuance of City user permits to regulate discharges that may have a reasonable potential to cause adverse impacts on the SSCS. Such discharges include, but are not limited to, discharges that, either singly or by interaction with other wastes, may cause impairment of the strength or durability of structures in the City’s sewage collection system; may cause a disruption in the sewage collection system; may create a public nuisance or a hazard to life, may prevent or limit entry into the sewers for maintenance or repair; may cause worker health and safety problems; cause corrosive structural damage; may cause obstruction of flow in the sewage collection system, or as otherwise determined necessary by the City consistent with the purposes and requirements of this chapter. The most stringent of any applicable local, state, or federal standards or requirements shall apply.

No person shall discharge to the SSCS except in compliance with this chapter 1045, chapter 1045A, or other applicable laws and regulations. The requirements under those chapters and other applicable laws and regulations apply to every person whether or not the person is subject to any other federal, state or local standards or requirements, and whether or not the discharge is made pursuant to a user permit issued pursuant to this chapter, chapter 1045A, or other applicable law or regulation.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (a) General Prohibitions. No person shall contribute or cause to be contributed, directly or indirectly to the SSCS, any pollutant or wastewater that will interfere with the operation or performance of the System.
- (b) Specific Prohibitions. No person shall discharge or contribute to the SSCS, directly or indirectly, any of the pollutants, substances, or wastewater as provided by this section. This section sets forth the minimum requirements for a user's discharges to the SSCS. Additional or more restrictive requirements may be required of particular users by a user permit, or as otherwise authorized or required by this chapter or other applicable laws and regulations.
- (1) Any liquid, solid, gas or other pollutant (including, but not limited to, gasoline, benzene, naphtha, fuel or fuel oil) which by reason of its nature or quantity is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to persons, the SSCS, or to the operation of the sewerage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using test methods specified in 40 CFR 261.21.
  - (2) Pollutants that may cause corrosive structural damage to the SSCS, or that due to their corrosive properties are capable of causing injury to persons or SSCS personnel or harm to fish, animals or the environment. Discharges that have a pH lower than 6.5 s.u. (instantaneous minimum limit) or greater than 9.0 s.u. (instantaneous maximum limit) shall not be discharged.
  - (6) Any solid, insoluble or viscous substance in concentrations or quantities which may cause obstruction to the flow in the SSCS, may create an encumbrance to the SSCS operations, or which otherwise may result in interference, including, but not limited to, grease, animal entrails or tissues, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes or tumbling and deburring stones; or any material that can be disposed of as trash.
  - (7) Any pollutant, including, but not limited to, oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration that may cause interference with the SSCS or constitute a slug load, or is otherwise discharged to the SSCS in excessive amounts.
  - (8) Wastewater (or vapor) having a temperature that will result in interference, or heat in such quantities that the temperature at any lift station exceeds 104° Fahrenheit (40° C). No discharge to the SSCS shall have a temperature less than 40° Fahrenheit (4.4° C) or greater than 135° Fahrenheit (57.2° C), unless approved in advance by the City Manager.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (9) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference.
  - (10) Pollutants that result in the presence of gases, vapors or fumes within the SSCS in a quantity that may cause acute worker health and safety problems. This prohibition includes, but is not limited to, wastewaters which contain liquids, solids or gases that cause gases, vapors or fumes from the discharge to exceed ten percent of the immediately dangerous to life and health (IDLH) concentration. Discharges that contain more than one pollutant that may contribute to fume toxicity shall be subject to more restrictive limitations, as determined necessary by the City Manager. The more restrictive discharge limits shall be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge.
  - (12) Wastewater with objectionable color or light absorbency characteristics that may interfere with analytical determinations, including, without limitation, dye wastes and vegetable tanning solutions.
  - (13) Any garbage or other solid material that has not been properly shredded.
  - (14) Solvent extractibles, including, without limitation, oil, grease, wax, or fat, whether emulsified or not, in excess of applicable local limits; or other substances that may solidify or become viscous (with a viscosity of 110 percent of water) at temperatures between 32° Fahrenheit and 150° Fahrenheit in amounts that may cause obstruction to the flow in sewers or other interference with the operation of the SSCS.
  - (15) Soluble substances in a concentration that may increase the viscosity to greater than ten percent over the viscosity of the water or in amounts that will cause obstruction to the flow in the SSCS resulting in interference.
  - (16) Any substance that exerts or causes a high or unusual concentration of inert suspended solids, as determined by the City Manager, including, but not limited to, lime slurries, diatomaceous earth and lime residues.
  - (17) Any wastewater that contains suspended solids of such character, quantity or concentration that special attention is required or additional expense incurred by the City.
  - (18) Any substance that exerts or causes a high or unusual concentration of dissolved solids, including, but not limited to, sodium chloride or sodium sulfate.
  - (19) Noxious or malodorous liquids, gases, fumes, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance, cause workplace conditions in violation of any applicable workplace health or safety standard, pose a hazard to life, sufficient to prevent entry into the sewers for maintenance and repair, or cause any hazardous or unsafe conditions for the general public.
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (20) Anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, water-based paint with mercury biocides and paint thinners.
- (21) Any radioactive wastes or isotopes of a half-life or concentration that may exceed limits established by applicable City, State or Federal laws, rules or regulations.
- (22) Any pollutant that results in excess foaming in the SCSS. Excess foaming is any foam that, in the opinion of the City Manager, may interfere with the operation of the SCSS.
- (23) Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the operation of the SCSS, constitute a hazard to humans or animals, or create a toxic effect in SCSS.
- (24) Any hazardous waste as defined by this chapter.
- (25) Any medical or infectious wastes, as defined by EGLE.
- (26) Any substance that may cause any other substance in the SCSS such as residues, sludges, or scums, to be unsuitable for reclamation, reuse or disposal, or otherwise interfere with the reclamation, reuse, or disposal process. In no case shall a substance discharged to the SSCS cause the City to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; under the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; or any more stringent State or local regulations, as applicable.
- (27) Any unpolluted water, including, but not limited to, noncontact cooling water, air-conditioning water, swimming pool water, stormwater, surface water, groundwater, roof runoff, and surface or subsurface drainage (except to a storm sewer as authorized by this chapter and other applicable local, State, and Federal laws and regulations, and subject to the prior approval of the City Manager and EGLE).
- (28) Any contaminated groundwater or landfill leachate determined by the City Manager to have a reasonable potential to adversely affect the operation of the SSCS, to result in interference, or to violate any standard, requirement, or prohibition provided by this chapter.
- (29) Any substance that will cause the SSCS to violate any local, State or Federal laws, rules or regulations.
- (30) Any substance which causes a high chlorine demand, including, but not limited to, nitrite, cyanide, thiocyanate, sulfite and thiosulfate.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (31) Any wastewater that exceeds applicable standards, requirements, or prohibitions prescribed by local, State or Federal laws, rules or regulations.
  - (32) Any compatible or incompatible pollutant that exceeds applicable standards, requirements, or prohibitions prescribed by local, State or Federal laws, rules or regulations.
  - (33) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any person's wastewater or air pollutants.
  - (34) Residue (total on evaporation) in an amount that will cause obstruction to the flow in the SSCS resulting in interference.
  - (35) Any nondomestic wastewater before the City has approved a notice of intent submitted according to Section 1045.59.
  - (36) Waste not typically discharged to a sanitary sewer system unless specifically authorized by the City Manager pursuant to policies and procedures established by the City and subject to limitations set forth in this chapter.
  - (37) Any mass, concentration or volume of a substance in excess of the amount allowed in a user permit.
  - (38) Any discharge with an average daily flow greater than two percent of the SSCS's average daily wastewater flow or having a rate of flow (gallons per day) greater than ten percent of the SSCS's average daily wastewater flow for a period of one hour or more, except with the prior review and approval of the City Manager.
  - (40) Any pollutant, substance, or wastewater that, either directly or indirectly, and either singly or by interaction with other pollutants, has a reasonable potential to:
    - A. Create a chemical reaction with any materials of construction to impair the strength or durability of sewer structures;
    - B. Cause a mechanical action that will damage or destroy sewer structures;
    - C. Impede or restrict the hydraulic capacity of the SSCS;
    - D. Interfere with normal inspection or maintenance of sewer structures;
    - E. Place unusual demands upon the wastewater treatment equipment or processes by biological, chemical or physical means; or
    - F. Cause a hazard to human life or create a public nuisance.
- (c) Pollutant Reduction Plans. If the City Manager determines that a user has the reasonable potential to discharge any pollutant to the SSCS in quantities or magnitude that may cause interference; adversely impact the SSCS; cause noncompliance with applicable Federal or State laws or regulations; or otherwise fail to meet the purposes and objectives of this chapter, then the City Manager may require the user to develop, submit for approval, and implement a reduction plan ("RP") for the pollutant, as

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

provided by this section. The RP may be imposed as a condition to a user permit or may be required independently and even if a user permit has not been issued to the user.

- (1) At a minimum, the RP shall contain such requirements and conditions, as determined necessary by the City Manager to ensure that the pollutant reduction efforts will be effective in achieving the goals of this chapter (including, but not limited to, requirements and conditions regarding user source identification; best management practices; schedules of compliance; monitoring, sampling and analysis; reporting; treatment system for removal of the pollutant from the discharged wastewater; written procedures for disposal of contaminated wastes and wastewater; employee training, and on-going employee training requirements regarding pollutant-related issues; elimination, if feasible, of any purchased materials containing the pollutant; and any other elements determined necessary and appropriate under the circumstances by the City Manager).
- (2) The goal of an RP shall be to maintain the amount of one or more pollutants or substances at or below the applicable discharge limits or levels, or such other goals as required by the City Manager. The City Manager may, in the City Manager's or the City Manager's discretion, consider cost-effectiveness during the development and implementation of an RP.
- (3) The City Manager may require any user to submit an RP that describes the control strategy designed to proceed toward achievement of the specified goal and shall at a minimum include, but shall not be limited to, all of the following as determined necessary by the City Manager on a case-by-case basis:
  - A. Periodic monitoring for the pollutant in the user's discharge.
  - B. Periodic monitoring of the potential sources of the pollutant in the user's discharge.
  - C. A commitment by the user that reasonable control measures and/or best management practices will be implemented when sources of the pollutant are discovered. Factors to be considered by the City Manager may include the following:
    1. Significance of sources.
    2. Economic considerations.
    3. Technical and treatability considerations.
    4. Such other factors as determined appropriate by the City Manager.
  - D. An annual status report. The report shall be sent by the user to the City Manager and shall include, at a minimum, all of the following:
    1. All RP monitoring results for the previous year.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

2. A list of potential sources of the pollutant in the user's discharge.
  3. A summary of all actions taken by the user to reduce or eliminate the identified sources of the pollutant or substance.
- (4) As determined necessary by the City Manager, the City Manager may require a user to develop, submit and implement an RP for any pollutant or substance regulated by this chapter. The City Manager may also modify an approved RP at any time as determined necessary by the City Manager to meet the goals and objectives of this chapter.
- (5) Failure to submit an approvable RP within the specified deadlines or to fully and timely comply with any condition or requirement of an approved RP shall constitute a violation of this chapter, subject to the fine, penalty, and other enforcement provisions of this chapter.
- (6) Holding enforcement action in abeyance. Except as provided for in Section 1045.30(c)(6)C.4. and 6., if the effluent sample analysis results of a user's discharge exceeds the applicable discharge limit, detection level, or quantification level for a pollutant, the City Manager may, in the City Manager's or the City Manager's sole discretion, nevertheless allow that discharge to continue and may hold any enforcement action regarding the prohibited discharge in abeyance, subject to the terms, conditions, and requirements of this Section 1045.30(c)(6), as follows:
- A. If an approved RP is already in place: If effluent sample analysis results exceeds the applicable discharge limit, detection level, or quantification level for a pollutant for which an approved RP is already in place, then the City Manager may, in the City Manager's or the City Manager's sole discretion, nevertheless allow that discharge to continue and may hold any enforcement action regarding the prohibited discharge in abeyance for the period that the sample represents if the RP (and all terms, conditions and requirements thereof) is being fully and continually performed in good faith by the user, as determined by the City Manager, and subject to all of the requirements and conditions of Section 1045.30(c)(6)C.
  - B. If an approved RP is not already in place: If effluent sample analysis results exceeds the applicable discharge limit, detection level, or quantification level for a pollutant for which an approved RP is not already in place, then the City Manager may, in the City Manager's or the City Manager's sole discretion, nevertheless allow that discharge to continue and may hold any enforcement regarding the prohibited discharge in abeyance, subject to all of the requirements and conditions of Section 1045.30(c)(6)C., and provided further as follows: The user with the noncompliant discharge shall develop and implement an RP approved by the City Manager to minimize the user's discharges of the pollutant in question to the City Manager. The RP shall meet all of the requirements of this Section 1045.30(c).

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- C. The following requirements and conditions shall apply to any situation under this Section 1045.30(c)(6) in which an enforcement action is held in abeyance as provided by this section (regardless of whether or not an RP was in place at the time of the noncompliance):
1. The user with the noncompliant discharge shall have a City-accessible point for monitoring all discharges from the user to the SCSS, as approved by the City Manager. All costs and expenses for and related to the installation and maintenance of this monitoring point and any required sampling devices shall be paid for solely by the user.
  2. The user with the noncompliant discharge shall routinely self-monitor its discharges to the SCSS for the pollutant in question using the sampling methods, procedures, preservation and handling, and analytical protocol required by the City Manager and at the frequency specified by the City Manager. All costs and expenses of this sampling and analysis shall be paid for solely by the user.
  3. The City may collect any additional samples of the user's discharge as determined necessary by the City Manager, all costs and expenses to be paid for by the user.
  4. If the user complies with all of the requirements and conditions for the RP as specified by the City Manager; and if the City Manager determines that all reasonable and cost-effective actions based on the economic, technical, and treatability considerations, including, but not limited to, all elements of the user's RP, have been, and continue to be, fully and satisfactorily implemented by the user; and if the user's discharge does not cause interference ; adversely impact the SCSS, its processes or beneficial use of biosolids; cause noncompliance with applicable Federal or State laws or regulations; or otherwise fail to meet the purposes and objectives of this chapter, then the City Manager may, in the City Manager's discretion, hold enforcement action in abeyance and allow the user to continue the noncompliant discharge.
  5. Notwithstanding any provision of this Section 1045.30(c)(6) to the contrary, and regardless of whether a user fully complies with all requirements and conditions of this section and/or of an approved RP, the City Manager shall have the unconditional right to prohibit and terminate any noncompliant discharge at any time and without prior notice, and to take any enforcement action in response thereto, including any enforcement action that had previously been held in abeyance under this Section 1045.30(c)(6).

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.31 RIGHT OF REVISION.**

Notwithstanding any other provision of this chapter to the contrary, the City reserves the right to establish more restrictive prohibitions, limitations, standards or requirements for discharges to the SCSS to prevent interference, to protect the SCSS, to comply with applicable Federal or State laws or regulations, or as otherwise determined necessary by the City Manager.

**1045.32 CITY'S RIGHT TO REFUSE OR CONDITION DISCHARGE.**

The City may refuse to accept, or may condition its acceptance of, all or any portion of any proposed or existing discharge to the SCSS from any person, regardless of whether or not a user permit has been issued for the discharge, if the City Manager determines that the discharge has a reasonable potential to: adversely affect the operation of the SCSS; result in interference; violate any pretreatment standard or requirement; or if the impacts of the discharge on the SCSS are uncertain or unknown. If the City Manager denies any person permission to commence or continue all or any portion of a discharge to the SCSS, the person shall refrain from commencing to discharge or shall immediately terminate the discharge to the SCSS and shall not thereafter recommence discharge without written authorization from the City Manager. Similarly, if the City Manager denies any person permission to commence or continue all or any portion of a discharge to the SCSS except subject to conditions determined necessary and appropriate by the City Manager, the person shall refrain from commencing or continuing the discharge except in full compliance with those conditions. This includes, but is not limited to, the City Manager's right to revise or revoke user permits.

**1045.34 MOST RESTRICTIVE STANDARDS AND REQUIREMENTS APPLY.**

Notwithstanding any provision of this chapter to the contrary, the most stringent or restrictive standard or requirement applicable to a user's discharge shall control, whether established by this chapter, by any notice, order, permit, decision or determination promulgated, issued or made by the City under this chapter, or by State or Federal laws or regulations. Further, if State or Federal laws or regulations provide for standards and requirements not covered by this chapter that are otherwise applicable to a user's discharge, those standards and requirements shall apply to the user in addition to those required by this chapter, and the most restrictive of those additional standards or requirements shall control and shall be complied with by the user immediately or within the time period specified by the law or regulation.

**1045.35 DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT.**

Unless expressly authorized to do so by an applicable pretreatment standard or requirement and subject to the prior approval of the City Manager, no user shall ever increase the use of process water, mix separate wastestreams, or in any other way attempt to dilute, thin, or weaken a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Federal, State or local standard, requirement or limitation. The City may impose mass limitations on nondomestic users that are using dilution to meet applicable pretreatment standards or requirements and in other cases where the imposition of mass limitations is appropriate. No user intending to use dilution as a substitute for treatment shall do so without the prior approval of the City Manager consistent with the requirements of this section.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**DIVISION 7. USER PERMITS**

**1045.36 USER PERMIT REQUIRED.**

- (a) Nondomestic User Permits. It is unlawful and prohibited for any significant industrial user (SIU), or any other user as determined necessary by the City Manager to carry out the purposes of this chapter, to discharge to the SCSS without a nondomestic user permit as provided by this division.
- (b) General User Permits. The City Manager may require any person other than a SIU to obtain a general user permit to discharge to the SCSS, subject to such terms and conditions as are determined necessary and appropriate by the City Manager to achieve the purposes, policies and objectives of this chapter.
  - (1) A general user permit may contain, but shall not be required to contain, any of the terms and conditions that would apply to a nondomestic user permit issued to a SIU as provided by this division to comply with the general and specific discharge prohibitions of this chapter, including, but not limited to, discharge limitations, and requirements regarding sampling and monitoring; pretreatment; pollution prevention, minimization or reductions plans; accidental discharge, spill prevention, and containment requirements; flow equalization; and implementation of best management practices or a best management practices plan.
  - (2) To the extent determined appropriate by the City Manager on a case-by-case basis, a general user permit issued under this section shall be subject to provisions otherwise applicable to permits for SIUs. However, all general user permits shall be nontransferable and are subject to the permit fee and permit appeals provisions of this chapter.
  - (3) It is unlawful and prohibited for any person required by the City Manager to obtain a general user permit to discharge to the SCSS without a general user permit as provided by this division.
  - (4) Failure to comply with a general user permit issued under this section constitutes a violation of this chapter.
  - (5) In no case shall a general user permit be construed to authorize the illegal discharge or otherwise excuse a violation of this chapter.
- (c) Notwithstanding any provision of this chapter to the contrary, if determined necessary by the City Manager to achieve the goals and purposes of this chapter, the City Manager may issue a user permit to any person without first requiring the person to submit or complete a permit application.
- (d) Any violation of the terms or conditions of a user permit is a violation of this chapter, subject to the fine, penalty, and other enforcement provisions of this chapter. Obtaining a user permit shall not relieve a person of the obligation to obtain other permits or approvals that may be required by other local, State or Federal laws or regulations.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (e) The issuance of a user permit shall not convey to any person any property rights or privilege of any kind whatsoever, nor shall it be construed to authorize any injury to private or public property or any invasion of personal rights, nor any violation of local, State or Federal laws or regulations.

**1045.37 DETERMINATION OF USER STATUS.**

- (a) The City Manager may require any person to submit information to the City for its use in determining the person's status as a user, including, but not limited to, whether the user is a SIU, as well as to determine changes or the absence or inadequacy of changes in a user's facilities.
- (b) The City Manager shall notify a nondomestic user of the City Manager's belief that the user is, or may be, a SIU. Upon such notification, the user must complete and submit an application for a nondomestic user permit on a form furnished by the City. The failure of the City Manager to so notify a nondomestic user shall not relieve any SIU of the duty to obtain a permit as required by this chapter.
- (c) Upon determination that user permit is required, no connection to the SCSS shall be made and no discharge thereto shall occur until a permit is duly issued; provided, however, that the City Manager may at the City Manager's discretion issue a written authorization in place of a permit, which authorization shall be valid for a period not to exceed sixty days.

**1045.38 PERMIT APPLICATION DEADLINES.**

Each user must file an application for a user permit on the form provided by the CITY within the following deadlines:

- (a) Existing SIUs. Any SIU discharging into the SCSS as of the effective date of this chapter shall submit a completed permit application form to the CITY as provided by this division within sixty days of being so directed and provided a form by the City.
- (b) Proposed New SIUs. Any SIU proposing to commence (or recommence) discharging into the SCSS after the effective date of this chapter shall, at least sixty days prior to the anticipated date on which discharging will commence (or recommence), request a permit application form and submit the completed application to the City Manager.
- (c) Categorical Users Subject to New Standard. A user which becomes subject to a new or revised National Categorical Pretreatment Standard, and which has not previously submitted an application for a permit as required herein, shall apply to the City for a nondomestic user permit within ninety days after the promulgation of the applicable National Categorical Pretreatment Standard. The City Manager may also initiate this action; however, the failure of the City Manager so to do shall not relieve a user of its obligation to obtain a permit.
- (d) Other Users. Any other user directed by the City Manager to complete and submit a user permit application shall do so within sixty days of being so directed by the City Manager and provided a form by the City. Any user not required to obtain a user permit for existing discharges must apply for and receive a user permit prior to

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

changing the user's discharge in such a manner that the resulting discharge would require a user permit.

The City Manager may also require any other person to file the information required by Section 1045.39 of this chapter (whether or not that person is currently a user, and whether or not that person is otherwise currently discharging to the SCSS, a storm sewer, or receiving waters), if the City Manager determines that there is a reasonable potential for the person to discharge to the SCSS, a storm sewer, or receiving waters, whether due to an accidental spill or for any other reason. Any person directed by the City Manager to submit the required shall do so within the time frame as directed by the City Manager.

The failure or refusal of any person to submit or complete a permit application shall not in any way relieve the person from the duty to comply with a permit issued by the City Manager. In no case shall the receipt or nonreceipt of a completed permit application prevent the issuance of a permit by the City Manager or relieve a person from the duty of fully complying with a permit that is issued by the City Manager.

**1045.39 PERMIT APPLICATION REQUIREMENTS.**

All users shall submit the information required by this section on the user permit application form supplied by the City (or attached thereto) at a level of detail and in units and terms as determined necessary by the City to adequately evaluate the application, accompanied by payment of a permit application review fee. A separate application and supporting documentation shall be submitted for each separate location for which a user permit is required.

- (a) The name, address, and location of the facility or premises from which discharge will be made, including the names of the owner(s) and operator(s) of the facility or premises.
- (b) Corporate or individual name, Federal employer identification number, address and telephone number of the applicant.
- (c) Whether the user is a corporation, partnership, proprietorship, or other type of entity, and the name of the person(s) responsible for discharges by the user.
- (d) Name and title of the local authorized representative of the user who will have the authority to bind the applicant financially and legally, and who is authorized by the applicant as its agent to accept service of legal process, and the address and telephone number of such representative.
- (e) The Standard Industrial Classification (SIC) numbers of all processes at the location for which application is made, according to the Standard Industrial Classification Manual, as amended (or, if applicable, the North American Industrial Classification System (NAICS) designation).
- (f) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application, including, but not limited to, any pollutants that are limited or regulated by any Federal, State, or local standards or requirements. The information provided for such parameters shall include all of the following:

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (1) Pollutants having numeric or narrative limitations as provided by this chapter.
  - (2) Pollutants limited by National Categorical Pretreatment Standards regulations for similar industries.
  - (3) For each parameter, the expected or experienced maximum and average concentrations during a one-year period shall be provided.
  - (4) For industries subject to National Categorical Pretreatment Standards or requirements, the data required shall be separately shown for each categorical process wastestream.
  - (5) Combined wastestreams proposed to be regulated by the combined wastestream formula shall be specified.
- (g) For purposes of information required by the application, sampling and analysis shall be performed in accordance with the following: Procedures established by U.S. EPA pursuant to Section 304(g) of the Act and as contained in 40 CFR 136, as amended. If 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures in U.S. EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments or revisions thereto, or where appropriate and applicable, in accordance with any other sampling and analytical procedures approved by EPA, or as otherwise specified by the City Manager.
- (h) A listing and description of the following: plant activities, plant facilities, and plant processes on the premises for which the permit is being applied. Processes, if any, which are subject to National Categorical Pretreatment Standards or requirements shall be so designated, and identification of which pollutants are associated with each process shall be stated.
- (i) A listing of raw materials and chemicals that are either used in the manufacturing process or could yield the pollutants referred to in this section. Any user claiming immunity from having to provide such information shall furnish proof of such immunity that is acceptable to the City Manager and in accordance with all applicable local, State, and Federal laws and regulations.
- (j) A statement containing information on the spill containment and prevention of accidental/spill discharges program for each of the pollutants referred to in this section. The information provided shall include the following:
- (1) The approximate average and maximum quantities of such substances kept on the premises in the form of the following: (a) raw materials; (b) chemicals; and/or (c) wastes therefrom; and
  - (2) The containment capacity for each of the above items.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

The following requirements apply for purposes of the spill containment and prevention statement required by this section:

For raw materials, chemical solutions or waste materials that do not contain any substance on the Critical Materials Register promulgated by EGLE, only substances which are in a form which could readily be carried into the sewerage system and which constitute a concentration of five percent or greater on a dry weight basis in the raw material, chemical solution or waste material are required to be included in the statement. Volumes of less than fifty-five gallons or the equivalent need not be included unless lesser quantities could cause interference to the sewerage system.

For raw materials, chemical solutions or waste materials that contain any amount of any substance on the Critical Materials Register promulgated by EGLE, the statement shall include the name of the substance and the expected concentration so that the City Manager can determine whether or not it may constitute a threat to the SCSS if a spill occurs.

- (k) The name and address of each laboratory performing analytical work for the user submitting the application.
- (l) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week.
- (m) Average and maximum twenty-four-hour wastewater flow rates, including thirty-minute peak wastewater flow rates, and daily, monthly and seasonal variations, if any; and a list of each national categorical process wastestream flow rate and the cooling water, sanitary water and stormwater flow rates separately for each connection to the SCSS, and list showing each combined wastestream.
- (n) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the SCSS, storm sewer, or receiving waters;
- (o) A flow schematic drawing showing which connections receive each national categorical process wastestream or other process wastestreams, and which connections receive stormwater, sanitary water or cooling water.
- (p) A schematic drawing showing which sewers handle each combined wastestream.
- (q) Each product produced by type, amount, process or processes and the rate of production as pertains to processes subject to production-based limits under National Categorical Standards or requirements shall be specified.
- (r) Actual or proposed hours of operation of each pretreatment system for each production process.
- (s) A description and schematic drawing showing each pretreatment facility, identifying whether each such facility is of the batch type or continuous process type.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (t) If other than potable water is used, identification of the user's source of intake water together with the types of usage and disposal method of each water source and the estimated wastewater volume from each source.
  - (u) A statement certified by a qualified professional regarding whether the requirements of this chapter and the National Categorical Pretreatment Standards and requirements are being met on a consistent basis; and if not, what additional operation and maintenance work and/or additional construction is required for the user to comply with applicable standards and requirements.
  - (v) A list of all environmental permits (and, if requested by the City Manager, a copy of any environmental permit) held by the user applicable to the premises for which the user permit is being sought.
  - (w) Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Federal, State and local pretreatment standards and requirements. If additional O&M or additional pretreatment will be required to meet the applicable standards and requirements, then the user shall indicate the shortest time schedule necessary to accomplish installation or adoption of the additional O&M and/or pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
    - (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (including, without limitation, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment referred to above shall exceed nine months, nor shall the total compliance period exceed eighteen months.
    - (2) No later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between submissions of the progress reports to the City.
  - (x) Any other information determined necessary by the City Manager to adequately evaluate the application. To the extent that actual data is not available for a new source, the applicant shall supply estimated or expected information.
  - (y) All applications (and reapplications) shall be signed and certified by an "authorized representative" of the user as defined by this chapter.
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.40 PERMIT ISSUANCE, DENIAL, OR DETERMINATION THAT PERMIT NOT REQUIRED.**

- (a) The City Manager shall evaluate the application information furnished by a user and may require additional information as necessary to complete and properly review the application. No action shall be taken by the City Manager on an application (and the 120 day review period as provided by this section shall not begin to run) until the application is determined to be complete by the City Manager. Within 120 days after the submission of a complete application (unless the City Manager and the applicant agree to extend this time period), the City Manager shall either issue a user permit subject to terms and conditions provided by this chapter, deny the application, or determine that a permit is not required as provided by this chapter.
- (b) A user permit may be denied by the City Manager:
- (1) If the City Manager determines that the proposed discharge, or continued discharge, will not comply with all applicable standards and requirements of this chapter;
  - (2) If the user refuses, fails or declines to accept the terms and conditions of a permit as proposed to be issued by the City Manager;
  - (3) For any reason that would support a suspension or revocation of the permit as provided by this chapter;
  - (4) If the City Manager determines that the SCSS cannot adequately or reasonably handle the user's discharge (due to insufficient capacity, the quality or quantity of the pollutants, available SCSS resources etc.);
  - (5) If the City Manager is not satisfied that the user has not taken all reasonable steps to prevent, minimize or reduce pollutants in the user's discharge;
  - (6) To prevent the discharge of pollutants into the SCSS, singly or in combination with other pollutants, for which there is a reasonable potential, as determined by the City Manager, to:
    - A. Not meet applicable pretreatment standards and requirements;
    - B. Interfere with the operation of the SCSS;
    - C. Inhibit or disrupt the SCSS's processing, use, or disposal of sludge;
    - D. Cause health or safety problems for SCSS workers; or
    - E. Result in a violation of applicable laws and regulations;
  - (7) If the City Manager determines that there is not, or will not be, sufficient capacity available (in both wastewater volume and strength) for a proposed discharge in all downstream sewers, pump stations, interceptors, and force mains, including, but not limited to, adequate capacity to accept, treat and dispose of BOD, TSS, or similar materials as required by applicable local, State or Federal laws, rules or regulations; or

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (8) For any other reason determined by the City Manager as necessary and appropriate to protect the SCSS or to meet the purposes and intent of this chapter.

**1045.41 PERMIT CONDITIONS.**

- (a) User permits shall be subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the City Manager. Further, user permits incorporate by reference all provisions, regulations and requirements of the Ordinance without setting them forth in full therein.
- (b) Nondomestic user permits shall, at a minimum, include all of the conditions required by MAC R 323.2306(a)(iii). In addition, user permits shall include any conditions determined reasonably necessary by the City Manager to prevent interference, to protect the quality of the receiving waters, to protect worker health and safety, to facilitate SCSS sludge management and disposal, to protect ambient air quality, to protect against damage to the SCSS, or to otherwise achieve the objectives of this chapter, including, but not limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - (2) Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.
  - (3) Requirements for installation of pretreatment technology or construction of appropriate containment devices, or similar requirements designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - (4) Development and implementation of slug discharge control plans, spill control plans, or other special conditions, including additional management practices necessary to adequately prevent accidental or unanticipated discharges.
  - (5) Requirements for installation, maintenance, repair, calibration and operation of inspection and sampling facilities and discharge flow monitors.
  - (6) Specifications for monitoring programs which shall include, but are not limited to, sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
  - (7) Compliance schedules.
  - (8) Requirements for submission of technical reports or discharge reports.
  - (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City and affording the City access to those records.
  - (10) Requirements for notifying the City if self-monitoring indicates a violation as provided by Section 1045.55 of this chapter, and for repeat sampling and analysis as provided by Section 1045.68 of this chapter.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (11) Requirements for notification of any new introductions of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the SCSS, including listed or characteristic hazardous waste for which the user has submitted initial notification under MAC R 323.2310(15).
- (12) Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee.
- (13) Requirements for notification of accidental or slug discharges, or discharges that exceed a discharge prohibition.
- (14) Requirements for notification and need for prior approval from the City Manager for any proposed change in a sampling location.
- (15) A statement regarding limitations on transferability of the permit.
- (16) A statement of the duration of the permit.
- (17) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable pretreatment standards and requirements, including those that become effective during the term of the permit.
- (18) Requirements for a written certification signed by the permittee that acknowledges that the permittee has read and fully understands all terms and conditions of the permit; and acknowledges that the permittee accepts all of the terms and conditions of the permit as written and accepts full responsibility for complying with the permit as approved.
- (19) A statement of applicable civil and criminal penalties for violation of discharge limitations, pretreatment standards and requirements, and compliance schedules.
- (20) Requirements regarding development by a user of a pollutant prevention, minimization or reduction plan (e.g., for mercury or PCBs) or requirements regarding use of best management practices to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances to the SCSS, or otherwise meet the purposes, policies and objectives of this chapter.
- (21) Other conditions as determined necessary by the City Manager to ensure compliance with this chapter and other applicable laws, rules and regulations.

If the City Manager determines that a user is discharging substances of a quality, in a quantity, or in a location that may cause problems to the SCSS, the City Manager has the authority to develop and enforce effluent limits or prohibitions applicable to the user's discharge.

**1045.42 PERMIT MODIFICATIONS.**

A user permit may be modified by the City Manager at any time and for any reason determined necessary by the City Manager to assure compliance with the requirements of this chapter and other applicable laws and regulations, including, without limitation, any of the following reasons:

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (a) To incorporate any new or revised Federal, State or local pretreatment standards or requirements, or other applicable requirement of law or regulation.
- (b) Material or substantial changes or additions to the permittee's operations, processes, or the character or quality of discharge that were not considered in drafting or issuing the existing permit. It shall be the duty of a user to request an application form and to apply for a modification of the permit within thirty days of any such change(s). The City Manager may modify a permit on the City Manager's own initiative based on its findings or upon reasonable cause to believe that any such change(s) has occurred or threatens to occur.
- (c) A change in any condition in the permittee's discharge, facility, production or operations, or in the SCSS, that requires either a temporary or permanent reduction or elimination of the permittee's discharge to assure compliance with applicable laws or regulations.
- (d) Information indicating that the permitted discharge poses a threat to collection or treatment systems; the SCSS's processing, use, or disposal of sludge; SCSS personnel; or the receiving waters.
- (e) Violation of any terms or conditions of the user's permit.
- (f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required report or notice.
- (g) Revision of, or a grant of a variance from, applicable categorical standards pursuant to 40 CFR 403.13.
- (h) To correct typographical or other errors in the permit.
- (i) To reflect transfer of the facility ownership and/or operation to a new owner or operator.
- (j) To add or revise a compliance schedule for the permittee.
- (k) To ensure SCSS compliance with applicable sludge management requirements promulgated by EPA.
- (l) To incorporate any new or revised requirements resulting from reevaluation of the SCSS's local limits.
- (m) To incorporate a request for modification by the permittee, as determined appropriate by the City Manager and provided the request does not create a violation of any applicable requirement, standard, law, rule or regulation.

The permittee shall be informed of any changes in the permit at least thirty days prior to the effective date of the change, unless a shorter time is determined necessary by the City Manager to meet applicable laws, to protect human health or the environment, or to facilitate an enforcement action.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.43 PERMIT DURATION.**

- (a) Nondomestic user permits shall be issued for a specified time period, not to exceed five years, subject to modification, reissuance, suspension or revocation as provided by this division. At the discretion of the City Manager, a nondomestic user permit may be issued for a period less than five years and may be stated to expire on a specific date.
- (b) General user permits may be issued for any time period determined appropriate by the City Manager, subject to modification, reissuance, suspension or revocation as provided by this division.

**1045.44 PERMIT REISSUANCE.**

- (a) To apply for reissuance of an existing user permit, a user must submit a complete permit application to the City accompanied by payment of an application fee at least ninety days prior to the expiration of the user's existing permit (or at least 180 days prior to the expiration of a five-year permit). The application shall be submitted in a form prescribed by the City. It shall be the responsibility of the user to make a timely application for reissuance.
- (b) All user permits issued to a particular user are void upon the issuance of a new user permit to that user.

**1045.45 CONTINUATION OF EXPIRED PERMITS.**

An expired user permit will continue to be effective until the permit is reissued only if: (a) the user has submitted a complete permit application at least ninety days prior to the expiration date of the user's existing permit (or at least 180 days prior to the expiration date of a five-year permit); and (b) the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the user: provided, however, in no case may a permit continue for a period of more than five years from the date of issuance. In all other cases, discharge to the SCSS following expiration of a permit is unlawful.

**1045.46 PERMIT SUSPENSION AND REVOCATION.**

User permits may be suspended or permanently revoked by the City Manager for any reason determined necessary by the City Manager to assure compliance with the requirements of this chapter or other applicable laws and regulations, including, without limitation, any of the following reasons:

- (a) Falsifying self-monitoring reports.
  - (b) Tampering with monitoring equipment.
  - (c) Failure to allow timely and reasonable access to the permittee's premises and records by representatives of the SCSS for purposes authorized by this chapter, including, without limitation, inspection or monitoring.
  - (d) Failure to meet effluent limitations.
  - (e) Failure to pay fines or penalties.
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (f) Failure to pay sewer charges.
- (g) Failure to pay permit fees.
- (h) Failure to meet compliance schedules.
- (i) Failure to comply with any term or condition of the permit, an order, the requirements of this chapter, or any final judicial order entered with respect thereto.
- (j) Failure to comply with any reporting or notice requirement.
- (k) Failure to disclose fully all relevant facts in the permit application or during the permit issuance process, or misrepresentation of any relevant fact at any time.
- (l) Failure to complete a wastewater survey or the user permit application.
- (m) As determined by the City Manager, the discharge permitted by the permit has a reasonable potential to endanger human health or the environment and the threat can be abated only by suspension or revocation of the permit.

Upon suspension or revocation of a permit, a user shall immediately terminate its discharge to the SCSS and shall not thereafter recommence discharge without further authorization from the City Manager as provided by this chapter. The City Manager may reissue a revoked permit upon a showing satisfactory to the City Manager that the permittee has corrected the violation or condition that led to the revocation. A person who has had a permit revoked may apply for a new permit.

**1045.47 LIMITATIONS ON PERMIT TRANSFER.**

- (a) A user permit is issued to a specific user for discharge from a specific facility and operation and shall not be assigned or transferred or sold to a new or different owner, operator, user, discharger, facility or premises, or to a new or changed facility or operation, without the prior written approval of the City Manager. If the transfer of a permit is approved, any succeeding transferee permittee must also comply with the terms and conditions of the existing permit. The City Manager shall approve the transfer of a permit only if all of the following conditions are met:
  - (1) The transferor (permittee) shall give at least sixty days' advance notice to the City Manager of the proposed transfer of the permit (unless a shorter notice period is approved by the City Manager in advance). The notice shall include a written certification signed by the proposed transferee that:
    - a. States that the transferee has no present intent to change the facility's operations and processes;
    - b. Identifies the specific date on which the transfer is to occur;
    - c. Acknowledges that the transferee has read and fully understands all terms and conditions of the permit; and

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- d. Acknowledges that the transferee accepts all of the terms and conditions of the permit as written and accepts full responsibility for complying with the existing permit if the transfer is approved.
- (2) As of the date of the proposed transfer, there are no unpaid charges, fines, penalties or fees of any kind due to the City from the transferor or the transferee related to use of the SCSS.
- (3) Except as to the identity of the new discharger (the transferee), the application materials for the permit to be transferred as originally filed by the transferor, as well as the terms and conditions of the permit itself, are completely accurate with respect to, and fully applicable to, the discharge, facilities, and activities of the transferee.
- (4) The permit transfer fee as established by the City has been paid to the City.
- (b) If the transfer of a permit is approved and the permit transfer fee has been paid to the City, the City Manager shall make the necessary minor modifications to the permit to show the transferee as the permittee, and a copy of the permit shall be provided to the transferee for signature and certification by the transferee as provided by Section 1045.62 of this chapter. The transferor (permittee) shall remain liable for any discharges to the SCSS from the facility (along with any other persons actually discharging from the facility to the SCSS) until a transfer of the permit has been approved as provided by this section.
- (c) This section is not intended to, and shall not be construed to, limit in any way the transfer of ownership of the property involved.
- (d) Any attempt to transfer a user permit that does not comply with the requirements of this section renders the permit void as of the date of the invalid transfer.

**1045.48 DUTY TO PROVIDE INFORMATION.**

Users shall furnish to the City Manager any available information that the City Manager requests to determine whether cause exists for modifying, revoking and reissuing, or terminating a user permit, to determine compliance with a permit, to determine whether a permit is required, or as otherwise determined necessary by the City Manager. Users shall also, upon request, furnish to the City Manager copies of any records required to be kept by a permit. The information and records requested by the City Manager shall be provided by the user to the City Manager within twenty-four hours of the request, unless an alternative time frame is specified by the City Manager when making the request or unless the City Manager allows additional time for the user to submit the requested information based on a showing by the user of good cause for any delay. The user's failure to submit the requested information to the City Manager within twenty-four hours (or within any alternate time period approved by the City Manager as provided by this section) shall constitute a violation of this chapter.

**1045.49 PERMIT APPEALS.**

Except as otherwise provided by this section, an appeal to the Wastewater Board of Appeals ("WBA") of any final decision made by the City Manager in connection with issuing or implementing a user permit shall be governed by Division 18 of this chapter. An appealing party

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

must specify in its notice of appeal the action of the City being appealed and the grounds for the appeal. If a particular permit provision is objected to, the notice of appeal must specify the reasons for the objection, and the alternative provision, if any, sought to be placed in the permit. The effectiveness of a permit or any final decision made by the City Manager shall not be stayed pending a decision by the WBA. If, after considering the record on appeal including any statements provided by the City Manager in response to the appeal, the WBA determines that a permit or any provision of a permit should be reconsidered, the WBA shall remand the matter to the City Manager for further action as determined appropriate by the WBA. Specific provisions of a permit that are remanded by the WBA for reconsideration by the City Manager shall be stayed pending further final action taken by the City Manager as required by the decision of the WBA. A decision of the WBA not to remand any matter shall be considered final administrative action for purposes of judicial review.

**1045.50 PERMITS NOT STAYED.**

Except as otherwise expressly provided by Section 1045.49, no action taken or request filed by any permittee shall operate to stay the effect of any permit or of any provision, term or condition of any permit, including, without limitation, a request for permit modification, reissuance, or transfer, or a notification of planned changes or anticipated noncompliance.

**1045.51 PERMIT FEES.**

User permit fees shall be established, paid and collected as provided by this Division and Division 21.

**DIVISION 8. REPORTING AND NOTICE REQUIREMENTS**

All users shall comply with the minimum reporting and notice requirements provided by this division, as follows:

**1045.53 REPORTS REQUIRED FOR NONDOMESTIC USERS NOT SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS.**

- (a) All nondomestic users may be required to submit to the City Manager periodic reports providing information regarding the quality and quantity of wastewater and pollutants discharged into the SCSS (including, without limitation, information regarding the nature, concentration (or mass), and flow of the discharge). These reports shall be based on sampling and analysis performed in the period covered by the report in accordance with the sampling, analysis and monitoring requirements provided by Division 9 of this chapter.
- (b) For significant industrial users, the City Manager may require the reports to be submitted at least once every six months for the preceding six months (during the months of April and October unless alternate months are specified by the City Manager), unless required more frequently by the City Manager.
- (c) If required by the City Manager for nondomestic users other than significant industrial users, the reports shall be submitted at least once every twelve months for the preceding

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

twelve months (during the month of October unless an alternate month is specified by the City Manager), unless required more frequently by the City Manager.

- (d) The reports for all nondomestic users shall be submitted on forms provided by (or in a format required by) the City, and shall include, without limitation, the volume of wastewater; the concentration of pollutants; the names of all person(s) responsible for operating and maintaining any pretreatment equipment, pretreatment processes, or responsible for wastewater management at the user's facilities, with a brief description of each person's duties; information regarding materials or substances that may cause interference ; and any other information deemed necessary by the City Manager to assess and assure compliance with applicable discharge requirements or to safeguard the operation of the SCSS.

**1045.54 NOTICE BY USER OF POTENTIAL PROBLEMS.**

All nondomestic users shall notify the City Manager immediately by telephone of all discharges by the user that could cause problems to the SCSS, including, without limitation, accidental discharges, slug loadings, discharges of a nonroutine, episodic nature, noncustomary batch discharge, or discharges that exceed a discharge prohibition or limitation provided by this chapter. The notification shall include available information regarding the location of the discharge, its volume, duration, constituents, loading and concentrations, corrective actions taken and required, and other available information as necessary to determine what impact the discharge may have on the SCSS. A detailed written report providing the same and any additional available information (including specifying the measures that will be taken by the user to prevent similar future discharges) shall also be provided by the user to be received by the City Manager within five days of the incident.

**1045.55 NOTICE BY USER OF VIOLATION OF PRETREATMENT STANDARDS.**

If sampling performed by a nondomestic user indicates a violation, the user shall notify the City Manager within twenty-four hours of becoming aware of the violation (and shall comply with other applicable requirements provided by Section 1045.68 regarding repeat sampling and analysis).

**1045.56 NOTICE BY USER OF CHANGED DISCHARGE OR CHANGE IN USER STATUS.**

- (a) A nondomestic user shall promptly notify the City Manager in advance of any substantial change in the volume or character of pollutants in its discharge, or of any facility expansion, production increase, or process modifications that could result in a substantial change in the volume or character of pollutants in its discharge.
- (b) For purposes of this section, "promptly" means as soon as reasonably possible, but in no event less than sixty days before the change.
- (c) For purposes of this section, "substantial change" includes, without limitation, any of the following:

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (1) The discharge of any amount of a pollutant not identified in the user's permit application or in the permit issued.
  - (2) An increase in concentration (or degree) of any pollutant that exceeds ten percent of the concentration (or degree) for the pollutant as indicated in any required report;
  - (3) An increase in discharge volume that exceeds twenty percent of the volume as indicated in any required report.
  - (4) Any increase in the amount of any hazardous wastes discharged, including, without limitation, the hazardous wastes for which the user has submitted initial notification under Section 1045.57 of this chapter.
  - (5) The discharge of any groundwaters purged for a removal or remedial action.
  - (6) The discharge of any pollutants that are present in the discharge due to infiltration.
  - (7) A change in discharge that may convert a nondomestic user into a significant industrial user, or a nondomestic user into a categorical user.
  - (8) A change in discharge that would cause a change in the categorical standards that apply to the user.
- (d) In determining whether to accept any changed discharge, or, if so, under what conditions, the City Manager shall evaluate the changed discharge pursuant to the general and specific discharge prohibitions under Section 1045.30 and other applicable provisions of this chapter. The user may be required to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a user permit application.
- (e) No user shall implement the planned changed conditions until and unless the City Manager or his/her designee has responded to the user's notice.
- (f) This section shall not be construed to authorize a discharge that exceeds a discharge prohibition or limitation provided by this chapter or a permit.

**1045.57 NOTICE BY USER REGARDING WASTES THAT ARE OTHERWISE HAZARDOUS.**

Any nondomestic user that discharges to the SCSS a substance that, if disposed of other than by discharge to the SCSS, would be a hazardous waste under 40 CFR Part 261 or under the rules promulgated under the state hazardous waste management act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL 324.11101 et seq., as amended) shall notify the City Manager, the U.S. EPA Region V Waste Management Division Director, and the State hazardous waste authorities of the discharge as required by MAC R 323.2310(15).

**1045.58 NOTICE BY USER REGARDING INSTALLATION OF NEW PRETREATMENT FACILITIES.**

Within five days after completing installation of new pretreatment facilities, the user shall notify the City Manager in writing of the time and date when it intends to commence operation of the new facilities, and the identity of the person who will conduct any tests to be performed.

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

The pretreatment facilities shall not be placed in regular operation until adequate tests have been conducted to establish that the discharges will comply with the requirements of this chapter and other applicable laws and regulations. Upon prior written request by the City Manager, the user shall allow a representative of the SCSS to observe the tests at the time they are conducted. The cost of the tests shall be paid by the user.

**1045.59 NOTICE OF INTENT.**

- (a) At least sixty days before commencing or changing a discharge, each of the following persons shall submit a notice of intent to the City Manager for approval by the City Manager:
  - (1) A person proposing to discharge any nondomestic wastewater not previously reported to the City Manager.
  - (2) A person taking possession or control of an existing facility that discharges or may discharge process wastewater into the SCSS.
  - (3) A person constructing a new facility that will discharge process wastewater into the SCSS.
  - (4) A person commencing or modifying a discharge of hazardous wastes that requires reporting under Section 1045.57.
- (b) The notice of intent shall be submitted in writing on a form provided by the City and shall be accompanied by a payment of any fees established by the City. It shall include sufficient information to allow the City Manager to evaluate the effect of the proposed discharge on the SCSS and operations and to assure compliance with this chapter.

**1045.60 OTHER REPORTS AND NOTICES REQUIRED BY THIS DIVISION OR BY OTHER APPLICABLE LAWS AND REGULATIONS.**

Users shall comply with all other reporting or notice requirements as provided by this chapter, by any notice, order or permit issued under this chapter, as required by any other applicable law or regulation any other reports or notice requirements determined necessary by the City Manager to assess and assure compliance with the requirements of this chapter.

**1045.61 REQUIREMENTS APPLICABLE TO ALL REQUIRED REPORTS, NOTIFICATIONS, AND APPLICATIONS.**

All reports, notifications, and applications submitted by a user to the City Manager as required by this chapter (or by any order, permit or determination issued or made pursuant to this chapter) shall meet the following requirements:

- (a) All reports, notifications, applications and requests for information required by this chapter shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, notification, application or request. The data shall be representative of conditions occurring during the applicable reporting period. If a pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- the City Manager or the applicable standard to determine compliance with the standard.
- (b) If a user monitors any pollutant (or measures flow) more frequently than required by this chapter or a user permit, using the monitoring, sampling and analytical procedures as required by Section 1045.63, the results of all such additional monitoring shall be included in any report or notification submitted pursuant to this chapter.
  - (c) The City Manager may require that reports, notifications, and other required documents and data be submitted in a standardized format, as specified by the City Manager.
  - (d) If the City instead of a user collects all of the information, including flow data, required for a report required by 1045.53, the City Manager may in the City Manager's discretion waive the requirement that the report be submitted by the user.
  - (e) The reports, notifications, and other documents and data required to be submitted or maintained by this chapter shall be subject to all of the provisions as specified by MAC R 323.2310(13).
  - (f) Written reports, notifications, and applications will be deemed to have been submitted to the City Manager, unless otherwise specified by the City Manager, as follows:
    - (1) If mailed, on the date postmarked.
    - (2) The date of receipt of the report shall govern for reports, notifications, or applications which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, including, but not limited to, reports, notifications, or applications that are hand-delivered, faxed, or emailed.
    - (3) Written reports, notifications, and applications may be submitted to the City Manager by fax or email (or by any means other than mail or hand-delivery) only with the prior approval of the City Manager on a case-by-case basis. The report or notification shall be sent to the fax number or email address specified by the City Manager.
  - (g) All written reports, notifications, and applications submitted by mail or hand-delivery shall be sent or delivered to the address stated in the user permit, or if there is no user permit, then to the following address:

City of Coopersville  
Sanitary Sewer Collection System  
289 Danforth  
Coopersville, MI 49404  
Attn: City Manager
  - (h) Failure to provide the reports, notifications, and applications required by this chapter constitutes an independent violation of this chapter. However, compliance with applicable reporting and notification requirements shall not relieve a user of any

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

expense, loss, damage, or other liability that may be incurred as a result of damage to the SCSS, fish kills, or any other damage to person or property; nor shall such report or notification relieve a user of any fines, penalties, or other liability that may be imposed by applicable laws or regulations. Further, the reporting and notification requirements required by this chapter shall not be construed to authorize a discharge that exceeds a discharge prohibition or limitation under this chapter or other applicable laws or regulations.

**1045.62 SIGNATURE AND CERTIFICATION REQUIREMENTS.**

All written reports, notifications, and applications required by this chapter shall be signed and certified as follows:

- (a) Required Signatures. The reports, notifications, and applications shall be signed by an “authorized representative” of the user as defined in Section 1045.02 of this chapter.
- (b) Required Certification. The reports, notifications, and applications shall include the following certification statement:

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

- (c) Exception. If the City elects to perform instead of the user all or any portion of the sampling or analysis otherwise required for a report or notification, the user will not be required to comply with the certification requirements for the sampling and analysis (or portion thereof) performed by the City.

**DIVISION 9. SAMPLING, ANALYSIS AND MONITORING REQUIREMENTS**

This division provides the sampling, analysis and monitoring requirements applicable to users of the SCSS. It does not apply to domestic users except as may be determined appropriate in specific cases by the City Manager. All users required by this chapter (or by any permit, order, decision or determination issued or made under this chapter) to sample, monitor and analyze their discharges to the SCSS shall do so according to the minimum requirements provided by this division. Additional or more restrictive sampling, analytical or monitoring requirements may be required for a particular user by a permit, order, decision or determination issued or made under this chapter.

**1045.63 SAMPLING AND ANALYTICAL TECHNIQUES AND PROCEDURES.**

All sampling, measurements, tests, and analyses of the characteristics of discharges to the SCSS shall be performed in accordance with the procedures approved by the U.S. EPA contained

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

in 40 CFR Part 136. If, as determined by the City Manager, the sampling and analytical techniques contained in 40 CFR Part 136 are not available, do not apply to the discharge or pollutants in question, are not appropriate under the circumstances for application to the discharge or pollutants in question, or where one or more alternate techniques are available under 40 CFR Part 136, sampling and analysis shall be performed using validated sampling and analytical methods and procedures approved or required by the City Manager.

**1045.64 SAMPLING FREQUENCY.**

Users shall sample their discharges to the SCSS at a frequency necessary to assess and assure compliance with the requirements of this chapter, any permit or order issued pursuant to this chapter, all applicable pretreatment standards and requirements, other applicable State and Federal laws and regulations, or as otherwise determined necessary by the City Manager consistent with the purposes and intent of this chapter. At a minimum, all significant industrial users shall sample their effluent two times per year (once every six months) or as often as provided by their permits, whichever is more frequent, and report the results to the City Manager . Each discharge point to the SCSS shall be sampled and reported individually.

**1045.65 SAMPLE TYPES.**

Where representative samples are required to be taken for facilities for which historical sampling data does not exist (or if otherwise requested by the City Manager), a user shall take a minimum of four grab samples for pH, temperature, cyanide, phenols (T), residual chlorine, oil and grease, sulfide, and volatile organics (and any other parameters designated by the City Manager), unless a greater number of grab samples is required in advance by the City Manager. For facilities for which historical sampling data is available, or under other circumstances determined appropriate by the City Manager, the City Manager may authorize a lower minimum number of grab samples. In all cases, users shall take the minimum number of grab samples determined necessary by the City Manager to assess and assure compliance by users with applicable pretreatment standards and requirements. Grab samples may be required to show compliance with instantaneous minimum or instantaneous maximum discharge limits. For all other pollutants and sampling, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-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 City Manager, as appropriate.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.66 SAMPLING METHODS, EQUIPMENT AND LOCATION.**

- (a) General. A user shall use the sampling methods, sampling equipment, and sampling location specified by the user's user permit, or, in the absence of a permit, as otherwise required by the City Manager.
- (b) Contaminated Groundwater. For discharges to the SCSS from remedial actions related to leaking underground storage tanks or other sources of contaminated groundwater, the City Manager may require the following analyses or such other analyses as determined appropriate by the City Manager:
  - (1) Samples shall be analyzed for benzene, ethylbenzene, toluene and xylene using the latest methods approved by U.S. EPA.
  - (2) For total petroleum hydrocarbons, samples shall be analyzed according to the latest methods approved by U.S. EPA.

**1045.67 COSTS OF MONITORING, SAMPLING AND ANALYSES.**

All required monitoring, taking of samples, and sample analyses, whether performed by the City or by a user, including, but not limited to, the costs or fees associated with inspection or surveillance, shall be at the sole cost of the user. For users with more than one outfall, each outfall monitored shall be charged separately.

**1045.68 SELF-MONITORING.**

- (a) Except as otherwise provided by this chapter, self-monitoring shall be conducted by each Nondomestic User to insure compliance with all applicable requirements of this chapter and other applicable laws and regulations.
- (b) A user performing its own sampling shall submit the samples for analysis to a laboratory (which may include the user's own laboratory) approved by the City Manager.
- (c) A user performing its own sampling or monitoring shall record and maintain for all samples and monitoring (including any sampling and monitoring associated with best management practices) the date, exact location (which shall match sampling locations identified in the user's user permit, as applicable), time (including start time and stop time) and method of sampling or measurement, and the name(s) of person(s) taking the samples or measurements; sampler programming information; the sample preservation techniques or procedures used; the full chain-of-custody for each sample; the dates the analyses were performed and completed; who performed the analyses; the analytical techniques and methods used; the detection limits and/or quantification level used per parameter; quality assurance/quality control (QA/QC) procedures used and QA/QC data; and the results of the analyses.
- (d) If sampling performed by a user indicates a violation, the user shall notify the City Manager within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Manager within thirty days after becoming aware of the violation. If the City has performed the

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

sampling and analysis in lieu of the user, the City shall perform the repeat sampling and analysis unless the City Manager notifies the user of the violation and requires the user to perform the repeat sampling and analysis. The user shall not be required to resample if (a) the City performs sampling at the user at a frequency of at least once per month, or (b) the City performs sampling at the user between the time when the user performs its initial sampling and the time when the user or the City Manager receives the results of the sampling that indicates the violation.

- (e) If a user uses its own laboratory for sample analysis, the City Manager may require the user to send split samples to an independent laboratory at a frequency specified by the City Manager as a quality control check.
- (f) Users required to do monthly sampling shall submit sample results to the City Manager by the tenth day of the following month, unless specified otherwise in the user's user permit.

**1045.69 SAMPLING AND ANALYSES PERFORMED BY CITY.**

- (a) The sampling and analysis required by this chapter may be performed by the City instead of the user, as determined necessary by the City Manager for purposes of this chapter. The City shall provide the user with copies of analytical results prepared by the City. If the results of any sampling and analysis performed by the City instead of the user show that a standard, requirement, or prohibition has been violated, the City shall provide the user with copies of the analytical results within ten days after the results are available.
- (b) If the City performs the required sampling and analysis for a user, the user shall pay a sampling fee to the City to fully reimburse the City for the sampling, including administrative and overhead costs. The City may contract with an independent firm to perform the sampling and analysis and the user shall fully reimburse the City for amounts paid by the City to the independent firm.

**1045.70 SPLIT SAMPLES AND SAMPLE RESULTS.**

- (a) If requested by the City, the City shall be provided with splits of any sample taken by a user. The user shall provide splits to the City at no cost to the City.
- (b) If requested by a user prior to the collection of a sample of the user's discharge, the City shall leave a portion of the sample of the discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis.
- (c) In cases of disputes arising over split samples, the portion taken and analyzed by the City shall be controlling unless proven invalid. The burden of proving the City's results invalid shall be on the user and at the user's sole cost.

**1045.71 MAINTENANCE, REPAIR AND CALIBRATION OF EQUIPMENT.**

- (a) A user who performs self-monitoring shall contract with an independent company (unless the requirement to use an independent company is waived in advance by the City Manager as determined appropriate by the City Manager) to maintain, repair, and calibrate the sampling and flow measurement equipment and instruments used to monitor the user.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (b) The maintenance, repair, and calibration shall be performed as often as necessary to ensure that monitoring data is accurate and representative, and consistent with the accepted capability of the type of equipment used, and shall be at the sole cost of the user.
- (c) A user shall keep a complete and accurate written record of all calibrations, inspections and maintenance done (including, without limitation, the date and time of the activity, a description of what was done and the methods used, the names of persons conducting the activity, and any required or recommended follow-up). The record shall also include a description of all problems discovered regarding the equipment whether in response to a regularly scheduled inspection or otherwise.
- (d) The City, in any event, may inspect and test a user's sampling and flow measurement equipment and instruments at all times.
- (e) In no case shall a user's failure to keep its equipment, instruments and facilities in good working order constitute grounds for the user to claim that sample results are not representative of its discharge.

**1045.72 REQUIRED SAMPLING STRUCTURES AND DEVICES.**

- (a) The City may require any user to install suitable control structures (such as sampling manholes or sampling vaults) and necessary measuring and sampling devices (including automatic devices) to facilitate the observation, sampling, and measurement of the quantity, composition, and concentrations of discharges to the SCSS. The City may require the user to install control structures and measuring and sampling devices at every discharge point and/or outfall. Further, multiple separate and discrete building sewers, control structures, and measuring and sampling devices may be required for a single user, premises, building, facility or user, as determined necessary by the City Manager. The structures and devices shall be maintained at all times in a safe, clean and proper operating condition at the sole expense of the user.
  - (b) There shall be ample room in or near the control structure to allow accurate monitoring, measuring, sampling and preparation of samples for analysis, as determined necessary by the City Manager. At a minimum, all sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches in diameter and an internal diameter of no less than thirty-six inches containing flow measuring, recording and sampling equipment as required by the City Manager to assure compliance with this chapter.
  - (c) Any temporary or permanent obstruction for safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the verbal or written request of the City and shall not be replaced. The costs of clearing such access shall be borne solely by the user.
  - (d) The location and complexity of the required control structure or devices may vary with sampling requirements determined necessary by the City Manager to protect the SCSS and to comply with applicable laws and regulations.
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (e) The required sampling structures and devices shall be constructed and installed at the user's sole expense in accordance with plans submitted to the City, and in compliance with all applicable local construction standards and specifications. Users shall submit to the City plans and specifications for construction or modification of monitoring facilities at least thirty days before the proposed commencement of construction or modification. If a user constructs or modifies monitoring facilities before City approval or without an inspection during construction and the City determines that the monitoring facilities are not acceptable, then the user shall at its cost reconstruct or modify the monitoring facilities according to the requirements of the City. Construction shall be completed within ninety days following written notification by the City, or within such other shorter or longer time period specified by the City Manager as required by the particular circumstances to meet the requirements of this chapter. The structures and devices shall be operated and maintained by the user at the user's sole expense so as to be safe and accessible to SCSS personnel at all times and so as to provide accurate and representative monitoring data. If a user fails to install or maintain a required structure or device, the City may do so and charge the costs to the user. No person shall use a required control structure for any purpose other than the sampling and monitoring activities specifically approved by the City.
- (f) The sampling structures and devices must be provided on the user's premises as approved by the City, but the City may, if it determines that such a location would be impractical or cause undue hardship to the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (g) Samples shall be taken at a control structure approved by the City. However, in the absence of a suitable control structure as required by this section, samples shall be taken immediately downstream from pretreatment facilities if pretreatment facilities exist, or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with a regulated process wastestream prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined wastestream formula under MAC R 323.2311(7) or other methods required by the City to evaluate compliance with applicable standards requirements, or prohibitions.
- (h) No user shall change monitoring points or monitoring methods without first notifying and receiving the approval of the City Manager. The City Manager shall not approve any change in a user's monitoring point or points that would allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.
- (i) A user shall allow the City access to all sampling and monitoring facilities as provided by the right of entry provisions of this chapter.

**1045.73 DETERMINATION OF FLOW.**

The City may use any of the following methods to determine the amount of wastewater flow discharged to the SCSS from a user's premises, as determined appropriate by the City:

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (a) If the premises are metered, the amount of water supplied to the premises by the City or a private water company as shown by the water meter;
- (b) If the premises are supplied with river water or water from private wells, the City may estimate the amount of water supplied from such sources based on the water, gas or electric supply to the premises;
- (c) If the premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be (or is not) entirely discharged to the SCSS, the City may estimate the amount of amount of wastewater discharged to the SCSS based on the water, gas or electric supply to the premises;
- (d) The City may determine the amount of wastewater discharged to the SCSS based on measurements and samples taken by the City from a manhole installed by the owner of the premises, at the owner's sole expense, as required by the City under this chapter; or
- (e) The City may determine the amount of wastewater discharged to the SCSS from a premises using a combination of any of the above methods, or using any other method determined appropriate by the City.

**DIVISION 10. ACCIDENTAL DISCHARGES**

**1045.74 GENERAL.**

This division sets forth minimum requirements for nondomestic users (and any other users as required by the City Manager) to prepare for, respond to, and report, accidental discharges to the SCSS. Additional or more restrictive requirements may be required for particular users under a user permit, a slug control plan, or by other applicable laws and regulations.

- (a) Each nondomestic user shall provide and continuously maintain protection from accidental discharge of materials or other substances regulated by this chapter as provided by this division. The City may refuse to accept current or proposed discharges from any user that fails to comply with the requirements of this division.
- (b) Detailed plans showing facilities and operating procedures to provide the protections required by this division shall be submitted to the City for review prior to construction of the facilities. All existing users shall submit the required plans and information with their permit applications or upon request of the City. For new sources, facilities and operating procedures to provide the protections required by this division shall be approved by the City prior to commencing discharge. No user who commences discharging to the SCSS after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge facilities and procedures as provided by this section are in place and have been approved by the City.
- (c) Facilities to prevent accidental discharge of regulated materials or substances shall be provided and maintained at the user's cost and expense. Review and approval by the City of plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

Compliance with the requirements of this division shall not relieve a user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the SCSS, or for any other damage to persons or property, or for any other liability that may be imposed under this chapter or under other applicable laws and regulations.

- (d) No change shall be made in any plan or procedure approved by the City as provided by this section without the prior review and approval of the City.
- (e) All users shall notify the City in writing within five days of any change in the information required to be provided to the City as set forth below in this section (including, without limitation, information regarding the person in charge of discharge operations, the description of chemicals stored, used or manufactured by the user, the description of user discharges, and the description of user premises).

**1045.75 DESIGNATION OF PERSON IN CHARGE OF DISCHARGE OPERATIONS.**

Each nondomestic user shall designate at least one person to be in charge of and responsible for the user's discharges to the SCSS, including responsibility for maintaining pretreatment facilities and operations, if any, and prevention of accidental discharges ("person in charge"). The person so designated shall be an individual with knowledge of all toxic wastes or hazardous substances routinely or potentially generated by the user, and of all process alterations that could, in any manner, increase or decrease normal daily flow or waste strength to the SCSS. The names of the person (or persons) designated as provided by this section and a phone number where the person can be reached for twenty-four-hour contact shall be submitted by each user to the City.

**1045.76 DESCRIPTION OF CHEMICALS STORED, USED OR MANUFACTURED BY USER; USER DISCHARGES; USER PREMISES.**

Unless the City Manager determines that all of the following information has already been appropriately provided to the City pursuant to other requirements of this chapter, each nondomestic user shall:

- (a) Catalog all chemicals stored, used, or manufactured by the user at the user's premises. The list of chemicals shall include specific chemical names (not just manufacturer's codes) and shall be provided to the City.
- (b) Provide the City with a written description of the user's discharge practices, including an estimate of daily average flows, waste strengths, and flow types, separated according to appropriate categories including process, cooling, sanitary, etc.
- (c) Provide to the City a detailed, scaled professionally prepared drawing of the user's plant building(s), including the location of pretreatment equipment, process and chemical storage areas, waste storage areas, floor drains located near process and storage areas, manhole or other control structures, and sewer locations at the user's point of discharge into the SCSS.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.77 SEGREGATION OF WASTEWATERS REQUIRING PRETREATMENT.**

Nondomestic users shall segregate wastewaters requiring pretreatment (including, without limitation, spent concentrates, toxics, and high strength organic wastes) as necessary to prevent pollutants from interfering with the SCSS. All sludges generated by pretreatment shall be used and disposed of only as permitted by applicable local, State and Federal laws and regulations.

**1045.78 SECONDARY CONTAINMENT REQUIREMENTS.**

- (a) Each nondomestic user must provide and maintain at the user's sole expense secondary spill containment structures (including diking, curbing or other appropriate structures) adequate to protect all floor drains from accidental spills and discharges to the SCSS of any pollutants or discharges regulated by this chapter.
- (b) The containment or curbing shall be sufficient to hold not less than 150 percent of the total process area tank volume and not less than 150 percent of liquid polluting material stored or used, unless a lesser containment area or alternate control measures are approved in advance by the City Manager.
- (c) The containment area shall be constructed so that no liquid polluting material can escape from the area by gravity through the building sewers, drains, or otherwise directly or indirectly into the SCSS. All floor drains found within the containment area must be plugged and sealed.
- (d) Spill troughs and sumps within process areas must discharge to appropriate pretreatment tanks.
- (e) Emergency containment shall also be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.
- (f) Solid pollutants shall be located in security areas designed to prevent the loss of the materials to the SCSS.
- (g) Detailed plans showing facilities and operating procedures to provide the protection required by this section shall be submitted to the City Manager for review, and shall be approved by the City Manager before construction. Construction of approved containment for existing sources shall be completed within the time period specified by the City Manager.
- (h) No new source shall be permitted to discharge to the SCSS until emergency containment facilities have been approved and constructed as required by this section.
- (i) The City Manager may order a user to take interim measures for emergency containment as determined necessary by the City Manager under the circumstances.

**1045.79 SUBMISSION OF POLLUTION INCIDENT PREVENTION PLAN.**

- (a) Each user required to develop a pollution incident prevention ("PIP") plan as provided by Part 5 of the Michigan Water Resources Commission Rules, 1979 ACR 323.1151 et seq., as amended (promulgated pursuant to Part 31 of Act 451 of the Public Acts of Michigan of

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1994, MCL 324.3101 et seq., as amended), shall submit a copy of that plan to the City Manager.

- (b) The PIP Plan shall be submitted to the City Manager within sixty days of the effective date of this chapter for an existing source, or thirty days prior to the date of discharge for a new source.

**1045.80 POSTING OF ACCIDENTAL DISCHARGE INFORMATION.**

All nondomestic users shall post a clearly legible set of instructions in the area where the user manages wastewater so that the applicable reporting and notice requirements are made known and are available to the user's employees. In addition, all nondomestic users shall instruct their employees on the applicable reporting and notice requirements of this section.

**1045.81 NOTICE OF ACCIDENTAL DISCHARGE.**

- (a) In the case of an accidental discharge, a user shall immediately notify the City Manager of the incident by telephone.
- (b) The notification shall include the name of the person placing the call, the name of the user, and all available information regarding the location of the discharge, its volume, duration, constituents, loading and concentrations, corrective actions taken and required, and other available information as necessary to determine what impact the discharge may have on the SCSS.
- (c) A detailed written report providing the same and any additional available information (including specifying the measures that will be taken by the user to prevent similar future discharges) shall also be provided by the user to the City Manager within five days of the incident.
- (d) Providing notice of an accidental discharge shall not relieve a user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the SCSS, fish kills, or any other damage to person or property; nor shall such notice relieve a user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

**1045.82 SLUG CONTROL PLAN.**

- (a) Each significant industrial user may be required by the City Manager to prepare and implement an individualized slug control plan. If required to do so, existing significant industrial users shall submit a slug control plan to the City for approval within ninety days of the effective date of this chapter. If required, new sources that are significant industrial users shall submit a slug control plan to the City for approval before beginning to discharge. Upon written notice from the City, nondomestic users that are not significant industrial users may also be required to prepare and implement a slug control plan, and the plan shall be submitted to the City for approval as specified in the notice. All slug control plans shall contain at least the following elements:
  - (1) A description of discharge practices, including nonroutine batch discharges;

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (2) A description of stored chemicals, raw materials, and waste;
  - (3) The procedures for immediately notifying the City of slug discharges, including any discharge that would violate any discharge prohibition, limitation or requirement under this division, and procedures for follow-up written notification within five days of the discharge;
  - (4) The procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.
- (b) If a user has submitted to the City plans or documents pursuant to other requirements of local, State or Federal laws and regulations which meet all applicable requirements of Section 1045.82(a), the City may in its discretion determine that the user has satisfied the slug plan submission requirements of this section.

**DIVISION 11. CONFIDENTIAL INFORMATION**

**1045.89 CONFIDENTIAL INFORMATION.**

The following provisions shall apply regarding the treatment by the City of confidential information submitted to or obtained by the City in the administration of this chapter:

- (a) Information and data regarding a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests at the time of submission and is able to demonstrate to the satisfaction of the City Manager, and in accordance with applicable State and Federal laws and regulations, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (b) Information submitted by a user for which confidentiality is requested shall be clearly marked on each page as to the portion or portions considered by the user to be confidential and shall be accompanied by a written explanation of why the user considers the information to be confidential or why the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (c) Information that may disclose trade secrets or trade secret processes, and for which the user has requested, and been granted, confidentiality as provided by this section, shall not be made available for inspection by the general public; however, that information shall be made available upon written request to governmental agencies for uses related to matters regulated by this chapter and shall be made available for use by the State, any State agency, or the City in judicial review or enforcement proceedings that involve the user that furnished the information. The City shall notify the user ten days

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

in advance if it intends to release confidential information to another governmental agency as authorized by this section.

- (d) Information furnished to the City on the volume or characteristics of wastewater or pollutants discharged or proposed to be discharged into the SCSS shall be available to the public or other governmental agency without restriction.
- (e) If a user has mass-based limits as allowed by certain categorical pretreatment standards on a production basis, the production data necessary to determine compliance must also be provided by the user to the City, and shall be available to the public. If application of the combined waste stream formula is necessary to apply categorical pretreatment standards to a user, the flow measurements and other data used in the calculation must be provided by the user to the City, and shall be available to the public.
- (f) Observations made by SCSS inspectors shall be subject to the confidentiality provisions of this section as if they were in writing if the user specifies to the City in writing for which particular observations made by the inspector the user seeks confidentiality.
- (g) All confidential information and/or data with respect to a particular user that is on file with the City shall be made available upon written request by that user or its authorized representative during regular business hours.

**DIVISION 12. RECORDS RETENTION**

**1045.90 MAINTENANCE OF RECORDS.**

All users shall retain and preserve records, including, without limitation, all books, documents, memoranda, reports, correspondence and similar materials, related to matters regulated by this chapter as provided by the minimum requirements of this section or as provided by a permit or order issued pursuant to this chapter.

- (a) **Discharge Records.** A nondomestic user shall retain, preserve, and make available to the City for inspection and copying, for the period specified in Section 1045.90(c) all records related to matters regulated by this chapter, including, without limitation, all documents, memoranda, correspondence and similar materials; copies of all required reports, notifications, and applications; all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of results of all sampling, monitoring, measurements and analyses; all documentation associated with Best Management Practices; and records of all data used to complete the application for a permit. Any nondomestic user subject to the sampling, monitoring, analysis, or reporting requirements of this chapter shall maintain copies of all records and information pertaining to those requirements or resulting from any monitoring activities (whether or not such monitoring activities are required by this chapter). For all samples, the records shall include, at a minimum, the information required to be recorded by Section 1045.68 of this chapter.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (b) Hazardous or Solid Waste. A nondomestic user shall retain and preserve all records regarding its generation, treatment, storage, or disposal of hazardous waste or solid waste for the period specified in Section 1045.90(c) and shall make them available to the City for inspection and copying, subject to the provisions in this chapter regarding confidential information. (As used in this section, the terms “hazardous waste” and “solid waste” shall have the same definition as provided in the state hazardous waste management act, Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL 324.11101 et seq., as amended, and the rules promulgated under that Act.)
- (c) Retention Period. Users subject to the reporting requirements of this chapter (or of any permit or order issued pursuant to this chapter) shall retain the records specified in sections 1045.90(a) and (b) for a period of at least three years from (1) the date the record was created or (2) the date the record was first used or relied upon by the user, whichever is later. The three-year retention period shall be extended during any administrative or judicial action, enforcement proceeding or litigation regarding matters regulated by this chapter until all such actions, proceedings, or activities have concluded and all periods of limitation with respect to any and all appeals have expired. The three-year retention period may also be extended at any time at the request of the City, EGLE, or the U.S. EPA. The City shall retain all records, notices and other information regarding discharges to the SCSS submitted to it by nondomestic users of the SCSS for a period of not less than three years.

**DIVISION 13. ADMINISTRATION OF THE SCSS**

**1045.91 OPERATION AND MANAGEMENT OF SCSS.**

Except as otherwise expressly provided by this chapter, the operation, maintenance, alteration, repair and management of the SCSS shall be under the direct supervision and control of the City. The City has the exclusive right to establish, maintain and collect rates and charges for use of the SCSS, and the City may employ the persons in the capacities as the City deems necessary and advisable to ensure the efficient establishment, operation, maintenance, and management of the SCSS, and to discharge its financial obligations. The City may establish any rules, regulations and procedures as determined necessary to assure the efficient management and operation of the SCSS.

**1045.92 POWERS OF CITY MANAGER.**

As directed by the City, the City Manager shall (either directly, through, or in conjunction with other authorized representatives of the City) take the following actions:

- (a) Supervise the implementation of this chapter.
- (b) Review plans submitted by users for pretreatment equipment.
- (c) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered sampling, metering, or pretreatment equipment to determine compliance with the provisions of this chapter.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (d) Verify the completeness, accuracy and representativeness of self-monitoring data submitted and/or maintained by users.
- (e) Investigate complaints of violations of this chapter, make inspections and observations of discharges, and maintain a record of the investigations, complaints, inspections and observations.
- (f) Issue orders and notices of violation and take other actions as necessary to require compliance with this chapter.
- (g) With the approval of the City, and in conjunction with the City’s legal counsel, institute necessary civil or criminal judicial legal actions and proceedings in a court of competent jurisdiction against all users violating this chapter to prosecute violations of this chapter, to compel the abatement or prevention of violations, to compel compliance with this chapter and any order, determination, permit or agreement issued or entered into under this chapter, and to pursue any other necessary or advisable legal and/or equitable judicial relief or remedies with respect to violations of this chapter.
- (h) In conjunction with the City’s legal counsel, commence a municipal civil infraction action against any user violating this chapter, and issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this chapter.
- (i) Perform any other actions authorized by this chapter, or as necessary or advisable for the supervision, management and operation of the SCSS and the enforcement of this chapter and other applicable laws and regulations.

**DIVISION 14. USER POLLUTION CONTROLS**

**1045.93 PROVISION BY USERS OF NECESSARY PRETREATMENT FACILITIES.**

Users shall provide necessary wastewater treatment as required to comply with all applicable pretreatment standards and requirements within the time limitations specified by applicable law or regulation, and as required to comply with the requirements of a user permit or order issued pursuant to this chapter. All facilities required to pretreat discharges shall be provided, operated, and maintained at the user’s sole expense. Detailed, professionally signed and sealed plans showing the pretreatment facilities, specifications, and operating procedures shall be submitted to the City for review and approval prior to construction. The City may approve, approve with conditions, or disapprove the plans, specifications and operating procedures. A user shall not begin discharging from the treatment facilities until facilities have been approved and all conditions and requirements of the approval have been met as determined by the City Manager. The review and approval by the City of such plans and operating procedures does not in any way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the City prior to the user’s initiation of the changes. (Users shall notify the City regarding the installation of new pretreatment facilities or modification of existing facilities as provided by Section 1045.58 of this chapter.)

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.94 PROPER OPERATION AND MAINTENANCE.**

A user shall at all times properly operate and continuously maintain, at the user's sole expense, all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the user to comply with the requirements of this chapter. Proper operation and maintenance includes, without limitation, effective performance, adequate funding (including replacement costs), adequate operator staffing, and adequate quality assurance/quality control (QA/QC) procedures for sampling and analysis, so as to provide adequate wastewater collection and treatment on a continuing basis, to conform with all local, State and Federal laws and regulations, and to assure optimum long-term management of the facilities and system.

**1045.95 REMOVED SUBSTANCES.**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act, and other applicable local, State, and Federal laws and regulations.

**1045.96 DUTY TO HALT OR REDUCE ACTIVITY.**

Upon reduction of efficiency of operation, or loss, or failure of all or part of a user's pretreatment equipment or facility, the user shall, to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable standards, requirements, and limits, control its production and all discharges until operation of the equipment or facility is restored or an alternative method of treatment is provided. This requirement applies in situations, including, without limitation, where the primary source of power for the pretreatment equipment or facility is reduced, lost, or fails. It shall not be a defense for a user in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this chapter.

**1045.97 DUTY TO MITIGATE.**

A user shall take all reasonable steps to minimize or correct any adverse impact to the SCSS or the environment resulting from noncompliance with this chapter, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**1045.98 DUTY TO PRETREAT PRIOR TO DISCHARGE TO SCSS.**

Except as otherwise expressly required by this chapter, by a user permit, by an order or other determination of the City Manager, or by other applicable law or regulation, the prohibitions and limitations provided by this chapter or a user permit shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the SCSS and any required pretreatment shall, at a minimum, be completed before that point of discharge is reached.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.99 IMPLEMENTATION OF BEST MANAGEMENT PRACTICES OR BEST MANAGEMENT PRACTICES PLAN.**

- (a) The City Manager may require any user to develop and implement best management practices to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances from the user’s premises to the SCSS, as determined necessary by the City Manager.
- (b) In addition, the City Manager may require a user to develop and submit a best management practices plan (“BMPP”), including an enforceable implementation schedule, for review and approval by the City Manager. The BMPP shall be submitted within thirty days after notification by the City Manager or as otherwise required by a user permit. The BMPP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the SCSS. The BMPP shall be available for inspection at all times at the user’s premises. At a minimum, a user’s BMPP shall contain all of the following elements, as determined necessary by the City Manager, at a level of detail and in units and terms as determined necessary by the City Manager to adequately evaluate the plan:
  - (1) A statement of the purpose and objectives of the plan.
  - (2) A description of the strategies, methods, policies and procedures to prevent, minimize or reduce the introduction of pollutants into the user’s discharge and to minimize waste generation.
  - (3) A description of the options available to the user to control accidental spillage, leaks and drainage.
  - (4) A description of best available or practicable control technologies available for the user’s specific circumstances.
  - (5) A detailed facility layout and site diagram showing points of entry into the SCSS.
  - (6) A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics.
  - (7) A description of operating and maintenance processes and procedures.
  - (8) Inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility.
  - (9) A description of employee training programs, policies and procedures; continuing education programs; and participation.
  - (10) A description of documentation, including record keeping and forms.
  - (11) A description of monitoring activities.
  - (12) Information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (13) Certification by a qualified professional that the plan is adequate to prevent spills, leaks, slug loads, or noncustomary discharges of regulated substances, directly or indirectly, to the SCSS.
- (14) Such other information, documents or diagrams as required by the City Manager, including, but not limited to, any of the information required under Section 1045.39 of this chapter.
- (c) The BMPs or BMPP required of a user or approved for a user shall be incorporated in a user permit issued to the user. If the user already has a user permit, the existing permit may be modified to incorporate the BMP requirements. If the user does not currently have a user permit, a permit shall be issued for that purpose.
- (d) The City Manager may require revisions to users BMPP if the City Manager determines that the plan contains elements that are inadequate, or as otherwise determined necessary by the City Manager to ensure compliance with applicable requirements of this chapter. Review of a BMPP by the City Manager shall not relieve the user from the responsibility to modify its facility as necessary to comply with local, State and Federal laws and regulations.

**1045.100 FOG INTERCEPTORS; ALTERNATE FOG PRETREATMENT TECHNOLOGY; SAND TRAPS.**

- (a) General Requirements Applicable to All FOG Interceptors; Alternate FOG Pretreatment Technology; and Sand Traps.
  - (1) Any user required to install a FOG interceptor, alternate FOG pretreatment technology (“AFPT”), or a sand trap to prevent the discharge of fats, oils, grease, sand, or other materials to the SCSS shall comply with the minimum requirements as provided by this section or as otherwise specified by the City Manager.
  - (2) Interceptors, AFPTs, and traps that are required by this section shall be provided, cleaned, maintained in proper operating condition, and kept in continuously efficient operation at all times, at the sole expense of the owner of the premises.
  - (3) All interceptors, AFPTs, and traps shall be of a design, type, construction, and capacity approved in advance by the City Manager.
  - (4) The installation of all interceptors, AFPTs, and traps shall be subject to the City Manager’s review and approval.
  - (5) All interceptors, AFPTs, and traps shall be located so as to be readily and easily accessible for maintenance, cleaning and inspection.
  - (6) All users required to install and maintain an interceptor, AFPT, or trap shall develop and carry out a system of maintenance and cleaning for the interceptor, AFPT, or trap, and shall keep accurate, detailed written records of the following:
    - a. The maintenance and cleaning schedule;

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- b. The names of the persons who maintained and cleaned the interceptor, AFPT, or trap, and the dates that the interceptor, AFPT, or trap was maintained and cleaned; and
  - c. The method of cleaning and disposal location for removed materials for each maintenance and/or cleaning.
- (7) At a minimum, all interceptors, AFPTs, and traps shall be inspected, cleaned and maintained according to the manufacturer's specifications or as otherwise provided by this section, whichever requirements are more stringent, at the property owner's expense.
  - (8) All written records and documentation required to be kept by this section with regard to interceptors, AFPTs, and traps shall be kept by the user on the premises for at least three years and shall be available for review by the City Manager during all operating hours. The user shall provide copies of required records to the City Manager upon the City Manager's request at the user's sole cost.
  - (9) Any problems with or damage to an interceptor, AFPT, or trap shall be reported immediately to the property owner and to the City Manager.
  - (10) Any problems with or damage to an interceptor, AFPT, or trap shall be rectified and/or repaired immediately by the property owner at the owner's sole cost.
  - (11) Interceptor, AFPT, or trap clean-out material, including, but not limited to, accumulated fats, oils, grease, and sand, shall not be discharged into the SCSS.
  - (12) Bacteriological, chemical, or enzymatic products shall not be used to maintain or clean interceptors, AFPTs, or traps.
- (b) Requirements For FOG Interceptors and AFPTs. A FOG interceptor or AFPT shall be required for all food service establishments (FSEs), and may also be required for any other user, premises, or establishment determined by the City Manager to have a reasonable potential to adversely affect the SCSS due to discharges of FOG.
    - (1) Outdoor FOG Interceptors.
      - a. Outdoor FOG Interceptors Required. All FSEs shall install, operate, and maintain an outdoor FOG interceptor of a type, design, construction, and size approved in advance by the City; provided that if the City Manager determines that installation of an outdoor FOG interceptor would not be economically and/or technically feasible due to existing circumstances unique to the premises in question, the City Manager may instead allow the installation of alternate FOG pretreatment technology as provided by Section 1045.100(b)(2). In all cases, the user shall bear the burden of demonstrating to the City Manager, at the user's sole cost, that the installation of an outdoor FOG interceptor is not feasible and that an alternate FOG pretreatment technology should instead be allowed.
      - b. Compliance Schedule.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1. Existing FSEs/Users : Any FSE discharging into the SCSS as of the effective date of this chapter (and any other existing user determined by the City Manager to have a reasonable potential to adversely affect the SCSS due to discharges of FOG) shall, upon notification from the City Manager, submit plans for an outdoor FOG interceptor for approval by the City Manager, and shall install and begin operation of the interceptor, in compliance with the schedule specified by the City Manager.
  2. New FSEs/Users : Any FSE that proposes to commence discharging into the SCSS after the effective date of this chapter (and any other new user determined by the City Manager to have a reasonable potential to adversely affect the SCSS due to discharges of FOG) shall submit plans for an outdoor FOG interceptor to the City Manager for the City Manager's approval, and shall install and begin operation of the interceptor in compliance with the schedule specified by the City Manager. In all cases, the interceptor plans must be approved by the City Manager prior to submitting plans to the City for a building permit; and the City shall not issue a building permit for the premises until the City has approved the proposed interceptor plans. Further, the City shall not issue a certificate of occupancy for the premises until the interceptor has been installed and deemed acceptable by the City Manager.
- c. Minimum Design and Installation Requirements For Outdoor FOG Interceptors. Outdoor FOG interceptors shall comply with all of the following minimum design and installation requirements:
1. The interceptor shall provide a minimum capacity of 1,500 gallons, unless the City Manager determines that a smaller minimum capacity is adequate for the premises.
  2. The interceptor shall have a minimum of two compartments with fittings designed for FOG retention.
  3. The interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.
  4. The interceptor shall be installed at a location, subject to the prior approval of the City Manager, where it can be easily accessible for inspection, cleaning, and removal of intercepted FOG, but shall not be located in any part of a building where food is handled.
  5. Access manholes, with a minimum diameter of twenty-four inches, shall be provided over each outdoor FOG interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade, and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, FOG removal, and sampling which, when bolted into place, shall be gastight and watertight.
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- d. Minimum Inspection, Maintenance, and Cleaning Requirements for Outdoor FOG Interceptors. Outdoor FOG interceptors shall comply with all of the following minimum maintenance, cleaning, and inspection requirements:
1. At a minimum, an outdoor FOG interceptor shall be inspected monthly by the property owner, or more often if dictated by site-specific conditions or if required more frequently by the City Manager.
  2. Pump-out of all accumulated FOG, water, and sludge shall occur quarterly at a minimum, or more often if the combined height of floatables and settled solids (including both the top and bottom layers of solids) exceed twenty-five percent of any interceptor compartment operating depth; if there is a visible discharge of FOG; or if required more frequently by the City Manager. The operating depth of a trap shall be determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.
  3. Each pump-out of the interceptor shall be complete and remove all contents, including removal of the entire grease mat, liquids, sludges, and solids from screens, baffles, air-relief chambers, and wash down of interior walls. The interceptor shall be refilled with clear water before being returned to service.
  4. The interceptor shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could reduce the effective volume for FOG and sludge accumulation.
  5. Water removed during pump-out shall not be returned to the interceptor, and accumulated FOG and sludge shall not be reintroduced into any drainage piping leading to the public sewer.
  6. Sanitary wastes shall not be discharged to sewer lines serviced by an outdoor FOG interceptor without specific prior approval by the City Manager.
  7. The pump-out operation and disposal of the accumulated FOG, water, and sludge shall be done only by a licensed contractor. The City Manager shall be notified prior to any scheduled pump-out so that the operation can be witnessed if desired.
- (2) Alternate FOG Pretreatment Technology. If the City Manager determines that installation of an outdoor FOG interceptor is not required as provided by Section 1045.100(b)(1)A., then the City Manager may instead authorize the installation of an alternate FOG pretreatment technology (“AFPT”) approved by the City Manager as provided by this section. The design, type, construction, capacity, installation, operation, and maintenance requirements for an AFPT for a user’s proposed or existing discharge shall be as determined by the City Manager based on nature of the discharge and the unique circumstances applicable to the premises in question.
- a. Indoor Grease Traps. If the AFPT approved by the City Manager is an indoor grease trap, the following requirements shall apply:
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

1. Indoor grease traps shall be installed in all waste lines from sinks, drains, and other fixtures or equipment where grease may be discharged to the SCSS; provided that no food waste disposal unit, dishwasher, wastewater or other liquid in excess of 140 degrees Fahrenheit (60 degrees Centigrade) shall be discharged into an indoor grease trap. Further, no acidic or caustic cleaners shall be discharged into an indoor grease trap.
  2. Traps shall never be operated without the flow restrictor supplied by the unit's manufacturer.
  3. Sizing and installation of the indoor grease traps shall be subject to the City's prior review and approval.
  4. Traps shall be inspected and cleaned at least once per week, or more often if dictated by site-specific conditions, as needed to be maintained in fully functional and efficient operation, or as otherwise specifically required by the City Manager.
  5. FSEs with indoor grease traps shall employ kitchen best management practices (BMPs) for precleaning of plates, pots, pans, and similar methods to minimize grease loadings to the drainage system.
- b. Other AFPT. If the proposed AFPT is a technology other than indoor grease traps, the FSE shall submit design plans, installation details, and operation and maintenance procedures to the City Manager for prior review and approval.
- (c) Sand and Oil Interceptors and Traps. Oil and sand interceptors and traps may be required by the City Manager in any premises where the City Manager has determined that there is a reasonable potential for sand, oil, flammable wastes, or other harmful ingredients to enter the premise's discharges. If a plug or backup occurs that is caused by sand and/or oil, the City Manager may require that premises to install an oil and sand interceptor or trap. Oil and sand interceptors and traps shall be required for all premises engaged in the washing of motor vehicles.
- (d) Failure to Comply.
- (1) The City shall have the right to enter and inspect any premises where an interceptor, AFPT, or trap is required to be installed for purposes of determining compliance with the requirements of this section and as otherwise provided by Section 1045.102 of this chapter.
  - (2) If a user fails to provide or maintain a required interceptor/AFPT, the City may do so (or cause the same to be done) and charge all of the costs to the user.
  - (3) The failure of any premises where an interceptor/AFPT is required to comply with this section may subject the violator to enforcement action and the remedies that are available by law and the terms of this chapter, including, but not limited to, termination of the discharges from the premises to the SCSS.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (e) Permits. The City Manager may issue and/or require user discharge permits for any user discharging FOG or sand to the SCSS. The user discharge permits may include requirements that are more stringent than, or in addition to, the requirements specified by this section, as determined appropriate by the City Manager.

**1045.101 ADDITIONAL PRETREATMENT MEASURES.**

The City may require users to take additional pretreatment measures, as determined necessary by the City, including, but not limited to, the following:

- (a) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the SCSS and determine the user's compliance with the requirements of this chapter.
- (b) The City may require any person discharging into the SCSS to install and continually maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow, subject to approval by the City.
- (c) Users with the reasonable potential to discharge explosive or flammable substances may be required to install and maintain an approved explosion hazard meter, combustible gas detection meter, or similar device, as determined appropriate by the City.

**DIVISION 15. ENFORCEMENT**

**1045.102 SCSS INSPECTION, SURVEILLANCE AND MONITORING AUTHORITY;  
RIGHT OF ENTRY.**

- (a) In General. The City is authorized to carry out all inspection, surveillance, sampling and monitoring activities and procedures, as necessary to determine, independent of information supplied by users or any other persons, compliance or noncompliance with applicable pretreatment standards and requirements, with this chapter, and with other applicable laws and regulations. This authority includes, without limitation, the authority:
- (1) To verify the completeness, accuracy and representativeness of self-monitoring data submitted by users.
  - (2) To determine compliance with the terms, conditions and requirements of this chapter or of any permit, order, notice or agreement issued or entered into under this chapter.
  - (3) To support enforcement actions taken by the City against noncompliant users.
  - (4) To determine if users have corrected problems identified in previous inspections.
  - (5) To identify which (and to what degree) users influence the quality of the SCSS's influent, effluent and sludge quality.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (6) To evaluate the impacts of the SCSS's influent.
  - (7) To evaluate the need for revised local limits.
  - (8) To maintain current data on each user.
  - (9) To assess the adequacy of each user's self-monitoring program and user permit.
  - (10) To provide a basis for establishing sampling and monitoring requirements for users.
  - (11) To evaluate the adequacy of each user's operation and maintenance activities on its pretreatment system.
  - (12) To assess the potential for spills and/or slug discharge control measures, and evaluate the effectiveness of spill and slug discharge control measures.
  - (13) To gather information for user permit development.
  - (14) To evaluate compliance with existing enforcement actions.
  - (15) To require any user to submit one or more representative samples of the wastewater discharged or that the user proposes to discharge into the SCSS.
  - (16) To determine compliance with requirements regarding implementation of best management practices; accidental discharge controls and protections; spill prevention or containment measures; and pollution prevention, minimization or reduction measures.
- (b) Right of Entry. The City Manager and other authorized representatives of the City bearing proper credentials and identification are authorized to enter a user's premises (and any other person's premises, as determined necessary by the City Manager) to conduct inspection, surveillance and monitoring activities as necessary to determine compliance with this chapter, and in that regard shall have, without limitation, the following minimum authority:
- (1) To enter into any premises of any person in which a discharge source, treatment system or activity is located or in which records are required to be kept as provided by this chapter, for the purpose of inspecting, observing, measuring, sampling and testing the wastewater discharge, removing samples of wastewater for analysis, and inspecting and making copies of required records. This shall include the right to take photographs.
  - (2) To set up and maintain on the person's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, or to require the person to do so, at the person's sole expense.
  - (3) To randomly sample and analyze the effluent from persons and conduct surveillance activities to identify occasional and continuing noncompliance with applicable standards and requirements. The City shall inspect and sample the effluent from each significant industrial user at least once a year.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (4) To inspect any production, manufacturing, fabrication, or storage area where pollutants, subject to regulation under this chapter, could originate, be stored, or be discharged to the SCSS.
- (5) To enter all private properties through which the City, the City, or other governmental agency holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the SCSS or wastewater transmission facilities lying within the easement.

SCSS representatives entering a person's premises for purposes authorized by this chapter shall comply with the person's plant safety requirements regarding such matters as entry into confined spaces, use of safety glasses, and hearing protection requirements, as requested by the person. Entry shall be commenced and completed as expeditiously as practicable, consistent with the purposes for which the entry was made.

- (c) Access Without Delay Required. Persons shall allow the City ready access at all times to all parts of the person's facility or premises where wastewater governed by this chapter is created, handled, conveyed, treated or discharged, or where any production, manufacturing, fabrication, or storage area where pollutants regulated under this chapter could originate, be stored, or be discharged to the SCSS, or where wastewater records are kept, for the purposes of inspection, sampling, records examination, or in the performance of any of the City's duties. If a person has security measures in force that would require proper identification and clearance before entry into the premises by the City, the person shall make necessary arrangements in advance with its security guards so that upon presentation of suitable identification, authorized representatives of the City (or authorized State or Federal personnel) will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Upon arrival at a person's premises, City representatives shall inform the person or the person's employees that inspections, sampling, compliance monitoring, metering or other City procedures are to be performed and that the person has the right to accompany the City employee/representative during the performance of the person's duties.
- (d) Refusal to Allow Entry. If a person refuses to permit access (or unreasonably delays access) to an authorized City representative or to permit the representative to obtain, take, and remove samples or make copies of documents or undertake other authorized inspection, surveillance and monitoring activities as provided by this chapter, the City Manager may order the termination of the discharge of wastewater to the SCSS; order the person to permit access within a time certain; issue the person a notice of violation of this section; or take other appropriate action as provided by this chapter and other applicable laws and regulations (including, but not limited to, seeking the issuance of a search warrant). Further, the refusal to permit access (or causing an unreasonable delay in access) as provided by this section shall constitute a violation of this chapter.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.103 NOTICE OF VIOLATION.**

- (a) Any person found to be violating a provision of this chapter may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The person shall, within the period of time stated in notice, permanently cease all violations. The notice of violation (NOV) shall be served and shall contain the information as provided by Section 1045.105 of this chapter.
- (b) Unless otherwise specified by the NOV, the following provisions shall apply: Within thirty days of the date of the NOV, the person shall submit to the City a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of the required plan shall not in any way relieve the person of liability for any violations occurring before or after receipt of the notice of violation.
- (c) Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation, or otherwise require the City to first issue a notice of violation before initiating a civil or criminal action against a person for violating this chapter. Further, receipt, or nonreceipt, of a notice of violation shall in no way relieve the affected user of any and all liability associated with any violation.
- (d) Failure to comply with any requirement of a notice of violation shall constitute a separate violation of this chapter.

**1045.104 ORDERS AND SUPPLEMENTAL ENFORCEMENT TOOLS.**

The City Manager may issue an order to any person as determined by the City Manager to be appropriate under the circumstances, as provided by this section. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single person.

- (a) Service. An order shall be served upon a person and shall contain the information as provided by Section 1045.105 of this chapter. However, orders to immediately cease and desist discharge, or to terminate sewer services, or other emergency orders where delay might endanger human health, the environment, or the SCSS, may be oral and may be served by telephone, to be followed within five days by written confirmation of the oral order by the City Manager.
- (b) Types of Orders. The City Manager may issue the following types of orders:
  - (1) Order to Immediately Cease and Desist Discharge. The City Manager may issue an order to cease and desist from discharging any wastewater, pollutant, or discharge not in compliance with this chapter. The order shall have immediate effect if the City Manager determines that the actual or threatened discharge to the SCSS presents, or may present, imminent or substantial endangerment to the health or welfare of persons or to the environment; or causes, or may cause, interference. The City Manager shall implement whatever action is necessary to halt or prevent the discharge, including, but not limited to, emergency suspension

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

of service. The person shall be assessed for any penalties, fines, charges, surcharges, expenses, or losses incurred due to the actual or threatened discharge of pollutants as provided by this chapter.

- (2) Order to Cease Discharge Within a Time Certain. The City Manager may issue an order to cease and desist from discharging any wastewater, pollutant, or discharge not in compliance with this chapter by a certain time and date. The proposed time for remedial action shall be specified in the order. In addition to any other circumstances as determined appropriate by the City Manager, an order may be issued under this section for the failure to pay applicable permit fees or to comply with any term of a user permit.
- (3) Order to Effect Pretreatment. The City Manager may issue an order to a user requiring the user to pretreat its discharge in accordance with this chapter. Any user subject to an order to pretreat shall prepare a plan to pretreat its discharge so that the discharge complies with the requirements of the order and this chapter. The plan shall be submitted to the City Manager within a reasonable period as specified in the order. The plan shall be prepared in accordance with good engineering practice and shall state whether construction is necessary, as well as identify measures that can be completed without construction. The plan shall contain a schedule of compliance for completion of each of the various phases necessary to implement full pretreatment. The schedule of compliance must be approved by the City Manager. The schedule of compliance shall consist of one or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to compliance with an effluent standard, or other prohibition or standard. The following steps or phases shall be included in the schedule of compliance as determined necessary by the City Manager:
- A. Retain a qualified engineer and/or consultant.
  - B. Obtain any engineering or scientific investigation or surveys deemed necessary.
  - C. Prepare and submit a preliminary plan to achieve pretreatment.
  - D. Prepare plans and specifications, working drawings, or other engineering or architectural documents that may be necessary to effect pretreatment.
  - E. Establish a time to let any contract necessary for any construction.
  - F. Establish completion times for any construction necessary.
  - G. Establish a time limit to complete full pretreatment pursuant to the final order.
  - H. If a phase or unit of construction or implementation may be effected independently of another phase or unit, establish separate timetables for the phases or unit.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (4) Order to Affirmatively Respond . The City Manager may issue an order requiring a person to perform any action required under this chapter, including, without limitation, requiring a person to submit samples; to install sampling, metering and monitoring equipment; to submit reports; to permit access for inspection, sampling, testing, monitoring and investigations; to reduce or eliminate a discharge or pollutants in a discharge; or to pay permit fees or other applicable charges.
- (5) Order to Terminate Sewer Services . The City Manager may issue an order to terminate the sewer services of a user, including, but not limited to, immediate physical blockage of the user’s sewer connection, for reasons including, without limitation, the following:
- A. A discharge that violates any general or specific discharge prohibition, including any pretreatment standard or requirement, and that reasonably appears to present an imminent endangerment to human health, the environment or the SCSS.
  - B. Failure of a user to notify the City of any discharge as described in Section 1045.104(b)(5)A., of which the user was aware or reasonably should have been aware.
  - C. Failure of a user to sample, monitor, pretreat or report, or failure to install monitoring or pretreatment facilities, as required by an order of the City Manager.
  - D. A knowing, willful violation of any term, condition or requirement of an order or user permit, or any provision of this chapter.
  - E. A negligent violation of any major term, condition or requirement of an order or user permit. For purposes of this section, a “major” term, condition or requirement is one the violation of which is reasonably likely to endanger human health, the environment, or the SCSS.

If the City determines that physical blockage is necessary, the City shall make a reasonable attempt to deliver to the person who appears to be in control of the user’s facility a written notice describing the reason for the physical blockage order. After delivery of the notice (or after a reasonable attempt to deliver the notice, even if delivery was unsuccessful), the City may immediately install the physical blockage. No person shall remove or tamper with a physical blockage installed by the City without prior written permission from the City.

- (6) Order to Show Cause . The City Manager may issue an order requiring a person to appear and explain any noncompliance with the requirements of this chapter or any permit, order, decision or determination promulgated, issued or made under this chapter, and to show cause why more severe enforcement actions against the

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

person should not go forward. A show cause hearing shall be held within ten days after the order to show cause is issued, as follows:

- a. The Wastewater Board of Appeals shall conduct the hearing and take evidence. Notice of the hearing shall be provided to require the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.
  - b. Any testimony taken at the hearing shall be under oath and recorded. A copy of the transcript of the hearing shall be made available at cost to any person upon payment of applicable charges for the transcript.
  - c. After reviewing the evidence taken at the hearing, the Wastewater Board of Appeals shall decide whether further enforcement action is required and, if so, the nature and extent of that further action, including, without limitation, the issuance of any order or imposition of any fines, fees, surcharges or penalties, as authorized by this chapter.
- (c) Immediate Response to Order by User May be Required. Any user issued an order as provided by this section to immediately suspend its discharge to the SCSS shall immediately stop or eliminate the discharge using whatever means are necessary to do so, or take any other action as required by the order. If the user fails to comply voluntarily with the order to immediately suspend its discharge, the City shall take any action determined necessary as authorized by this chapter, including, without limitation, immediate suspension of water service and/or severance of the sewer connection or commencement of judicial proceedings, to prevent or minimize damage to the SCSS or endangerment to public health, safety or the environment. The City may reinstate the wastewater treatment service and terminate any judicial proceedings, as applicable, upon satisfactory proof or other demonstration by the user that the noncomplying discharge has been eliminated or will not reoccur. A detailed written statement submitted by the user describing the causes of the noncomplying discharge and the measures taken to prevent any further occurrence shall be submitted to the City Manager within fifteen days of the occurrence.
- (d) Noncompliance Due to Factors Beyond User's Control. If noncompliance with an order is unintentional and temporary and due to factors beyond the reasonable control of a user, and the user can demonstrate the conditions necessary for demonstration of an upset as otherwise provided by applicable laws and regulations for an upset, the City Manager may modify the order or take other actions as determined appropriate. However, a user shall not be relieved of liability for noncompliance with an order to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (e) Amendment, Suspension and Revocation of Orders. An order shall be subject to amendment, suspension or revocation as determined appropriate by the City Manager. Notice of the amendment, suspension or revocation shall be served upon the person in
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

the same manner as notice was provided for the original order. An amendment, suspension or revocation of an order shall be subject to the same procedures for review and appeal as the original issuance of the order, as provided by this chapter.

- (f) Consent Orders and Agreements. The City Manager may enter into a consent order or agreement with a person to resolve disputed claims and address identified and potential deficiencies in the person's compliance status. The order or agreement shall be in the form of a written agreement with the person and may contain appropriate provisions, including, without limitation, compliance schedules and stipulated fines and remedial actions.
- (g) City Authority to Require Financial Assurances. The City Manager may require any user to post a performance bond (or other form of surety acceptable to the City Manager) sufficient to cover expenses (direct and/or indirect) that might reasonably be incurred by the City as a result of the user's discharges to the SCSS (including, but not limited to, the costs to restore or repair any damage to the SCSS) or sufficient to achieve consistent compliance with applicable laws and regulations, as determined necessary by the City Manager. Further, any person that has in the prior two years been responsible for causing interference at the SCSS may be required to obtain liability insurance sufficient to cover the reasonable costs of responding or restoring the SCSS in the event of a second such incident. These financial assurance requirements may also be made conditions of a user permit.

**1045.105 SERVICE OF NOTICES OF VIOLATIONS, ORDERS AND NOTICES OF ASSESSMENTS.**

Except as otherwise expressly provided by this chapter, all orders, notices of violations and notices of assessments shall be served upon persons and shall contain the information as provided by this section.

- (a) Service. Service shall be by personal delivery or certified mail (return receipt requested), addressed to the user, alleged violator or other person, as applicable, at the person's last known address as shown by City's records. The person served shall sign and date the order or notice and shall return the signed original copy to the City; provided, that the failure to do so shall not affect in any way the person's obligation to comply with the order or notice. Further, a notice or order served by mail may not actually be received by the person, but this shall not nullify in any way any enforcement action subsequently taken by the City against the person under authority of this chapter. Receipt, or nonreceipt, of a notice or order shall not in any way relieve the affected person of any liability associated with the violation. Further, the issuance of a notice or order will not be a bar against, or a prerequisite for, any other enforcement actions by the City against the affected person.
- (b) Contents. All orders and notices shall contain at least the following information, to the extent known by the City and as determined by the City Manager to be applicable to the situation:

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (1) The name and address of the violator;
  - (2) The location and time that the violation occurred or was observed, and the duration of the violation;
  - (3) The nature of the violation, including the provisions of this chapter or of any permit, order, decision, determination or agreement violated;
  - (4) The basis for determining that a violation has occurred (personal observation, pollutant analysis, etc.);
  - (5) The amount of the fine, penalty or charge assessed or due, if any;
  - (6) The manner in which, and time and date by which, any fine, penalty or charge must be paid, including any penalty or charge for late payment;
  - (7) The remedial action ordered, the time within which required actions must be taken, and any consequences for failure to do so.
  - (8) The right to appeal the issuance of the order or notice and a summary of the procedures for appeal, or other applicable administrative procedures.
  - (9) The date and time the order or notice was issued.
- (c) Request for Additional Information. A person served may request additional information from the City Manager regarding the contents or requirements of any order or notice. However, a request for additional information shall not extend the time for compliance with an order or notice.

**1045.106 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.**

The City shall publish once per year in the largest newspaper circulated in the City, a list of nondomestic users that, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards or requirements. For the purposes of this section, a user shall be considered to be in significant noncompliance if its violations meet one or more of the following criteria:

- (a) Chronic violation of discharge limits, defined as results of analyses in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the numeric daily maximum limit, instantaneous limit, or the average limit for the same pollutant parameter;
  - (b) Technical review criteria (TRC) violations, defined as results of analyses in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit, instantaneous limit, or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except pH);
  - (c) Any other violation of a pretreatment effluent limit (instantaneous minimum, instantaneous maximum, daily maximum, or long-term average, or narrative standard)
-

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- that the City determines has caused, alone or in combination with other discharges, interference (including endangering the health of Department personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the City’s exercise of its emergency authority to halt or prevent the discharge;
  - (e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
  - (f) Failure to provide any required reports within thirty days after the due date;
  - (g) Failure to accurately report noncompliance; or
  - (h) Any other violation or group of violations, which may include a violation of best management practices, that the City Manager determines will adversely affect the SCSS or the operation or implementation of the requirements of this chapter.

**1045.107 MUNICIPAL CIVIL INFRACTIONS.**

- (a) **Violation; Municipal Civil Infraction**. Except as provided by Section 1045.108, and notwithstanding any other provision of the City’s laws, ordinances and regulations to the contrary, a person who violates or fails to comply with any provision of this chapter (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the City under this chapter) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than one thousand dollars (\$1,000.00) per day for each infraction and not more than ten thousand dollars (\$10,000.00) per day for each infraction, plus costs and other sanctions.
- (b) **Repeat Offenses; Increased Fines**. Increased fines may be imposed for repeat offenses. As used in this section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this chapter (i) committed by a person within any ninety-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this chapter shall be as follows:
  - (1) The fine for any offense that is a first repeat offense shall be not less than two thousand five hundred dollars (\$2,500.00), plus costs.
  - (2) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than five thousand dollars (\$5,000.00), plus costs.
- (c) **Amount of Fines**. Subject to the minimum fine amounts specified in sections 1045.107(a) and (b), the following factors shall be considered by the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this chapter: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

- (d) **Authorized Local Official**. Notwithstanding any other provision of the City's laws, ordinances and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in district court for violations of this chapter (or, if applicable, to issue municipal civil infraction notices directing alleged violators to appear at a municipal ordinance violations bureau): the City Manager, any sworn law enforcement officer, and any other persons so designated by the City.
- (e) **Other Requirements and Procedures**. Except as otherwise provided by this section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Act No. 236 of the Public Acts of 1961, as amended.

**1045.108 CRIMINAL PENALTIES; IMPRISONMENT.**

Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this chapter, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the City under this chapter; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this chapter, or in any other correspondence or communication, written or oral, with the City regarding matters regulated by this chapter; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this chapter; or (4) commits any other act that is punishable under State law by imprisonment for more than ninety-three days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of five hundred dollars (\$500.00) per violation, per day, or imprisonment for up to ninety-three days, or both in the discretion of the court.

**1045.109 CONTINUING VIOLATION.**

Each act of violation, and each day or portion of a day that a violation of this chapter (or of any permit, order, notice or agreement issued or entered into under this chapter) exists or occurs, constitutes a separate violation subject to the fines, penalties and other sanctions and remedies as provided by this chapter.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.110 NUMBER OF VIOLATIONS.**

The number of violations resulting from a user's noncompliance with applicable discharge prohibitions or effluent limitations shall be determined as follows:

- (a) Applicable concentration limitations and mass (or loading) limitations shall be treated as separate limitations, and a user may be liable and penalized separately for exceeding any of those limitations for a single pollutant or sampling parameter.
- (b) Each violation of a daily maximum limit for a single pollutant or sampling parameter shall constitute a separate violation for each day on which the violation occurs or continues.
- (c) Each violation of an instantaneous minimum or instantaneous maximum limit for a single pollutant or sampling parameter shall constitute a separate violation for each such occurrence, and there may be multiple violations for each day on which such a violation occurs or continues.
- (d) Each violation of a monthly average limit (or of some other average limit period) for a single pollutant or sampling parameter shall constitute a separate violation for each day of the month (or other stated period) during which the violation occurred, regardless of the number of days on which samples were actually taken. (For example, in a month with thirty-one days, a violation of the monthly average limit for that month constitutes thirty-one violations for each pollutant parameter for which the monthly average limit was exceeded during the month.)
- (e) Except with regard to violations of average limits as provided by Section 1045.110(d), a violation will be deemed to have continued to occur each day beginning with the first day the violation occurred to the day the user is able to demonstrate through appropriate sampling results that the violation is no longer occurring.
- (f) If for any period a user has violated both a daily maximum limit and an average limit for a particular pollutant parameter, then the total number of violations is the sum of the days on which the daily maximum limit was violated plus the number of days in the averaging period.
- (g) If a user permit regulates more than one outfall, each outfall shall be considered separately in computing the number of violations as provided by this section.
- (h) If a user is discharging a wastestream that is required to be monitored and analyzed under continuous monitoring procedures then all of the following shall apply:
  - (1) If at any time during a daily 24-hour period the continuous monitoring shows that the monitored parameter exceeded the instantaneous minimum, instantaneous maximum, or daily maximum limit for that parameter, then a violation has occurred.
  - (2) If during a daily 24-hour period under continuous monitoring the monitored parameter exceeds the instantaneous minimum, instantaneous maximum, or daily

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

maximum limit more than once after returning to compliance during that period, then each such exceedance shall be considered a separate violation.

- (3) If during a daily 24-hour period under continuous monitoring the monitored parameter exceeds the instantaneous minimum, instantaneous maximum, or daily limit into the next daily 24-hour period (i.e., the exceedance occurs both before and after midnight), then the exceedance will be considered a separate violation on both days.

- (i) One violation occurs on: each day that a report is late; and each day after an action required to be completed is not completed.

(Ord. 446. Passed 1-23-12; Ord. 452. Passed 9-23-13.)

**1045.111 NUISANCE.**

A violation of this chapter, or of any permit, order, notice or agreement issued or entered into under this chapter, is deemed to be a public nuisance and shall be corrected or abated as directed by the City. In addition to any other legal or equitable remedies available under the law, any person creating a public nuisance shall be subject to the provisions of State law, this chapter, or other ordinance of the City governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance, as applicable.

**1045.112 REIMBURSEMENT.**

- (a) Any person who discharges to the SCSS (including, but not limited to, any person who causes or creates a discharge that violates any provision of this chapter, produces a deposit or obstruction, or otherwise damages, injures, or impairs the SCSS, or causes or contributes to a violation of any Federal, State or local law governing the SCSS, whether any such act is intentional or unintentional) shall be liable to and shall fully reimburse the City for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the City as a result of any such discharge, deposit, obstruction, damage, injury, impairment, violation, exceedance, noncompliance, or act. The costs that must be reimbursed to the City shall include, but shall not be limited to, all of the following:
- (1) All costs incurred by the City in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, or noncompliance.
  - (2) All costs to the City of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, or noncompliance.
  - (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the City, or any City representative, by any governmental agency or third party as a result of a violation of applicable law or regulation that is caused by or contributed to by any discharge, violation, or noncompliance.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

- (4) The full value of any City staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the City's legal counsel and any special legal counsel), associated with reviewing, responding to, investigating, verifying, and/or prosecuting any discharge, violation, or noncompliance or otherwise incurred by the City in administering and enforcing the requirements of this chapter.

Further, the City is authorized to correct any violation of this chapter or damage or impairment to the SCSS caused by a discharge and to bill the person causing the violation or discharge for the amounts to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid by users under other sections of this chapter.

- (b) In determining the amounts to be reimbursed, the City may consider factors such as, but not limited to, the following:
- (1) The volume of the discharge.
  - (2) The length of time the discharge occurred.
  - (3) The composition of the discharge.
  - (4) The nature, extent, and degree of success the City may achieve in minimizing or mitigating the effect of the discharge.
  - (5) The toxicity, degradability, treatability and dispersal characteristics of the discharges.
  - (6) The direct and indirect costs incurred by the City, or imposed upon the City to treat the discharges, including sludge handling and disposal costs.
  - (7) Fines, assessments, levies, charges, expenses and penalties imposed upon and/or incurred by the City, including the City's costs of defense of actions, or suits brought or threatened against the City by governmental agencies or third parties.
  - (8) Such other factors, including the amount of any attorney's fees; engineering, consultant, and expert fees; expenses, costs, sampling and analytical fees; repairs; as the City deems appropriate under the circumstances.
- (c) Costs to be reimbursed to the City as provided by this section may be assessed to the user as provided by Section 1045.105 of this chapter, or as otherwise determined appropriate by the City Manager in conjunction with an enforcement action.
- (d) The failure by any person to pay any amounts required to be reimbursed to the City as provided by this section shall constitute an additional violation of this chapter.

**1045.113 REVIEW OR APPROVAL BY CITY.**

In no case shall the review and/or approval by the City of a user's plans, specifications or operating procedures entitle a user to relief from enforcement actions for failure to achieve compliance with the applicable pretreatment standards and requirements.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.114 SEVERANCE OR SUSPENSION OF SEWER AND/OR WATER SERVICE.**

If a user violates or continues to violate any provision of this chapter (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the City under this chapter), or if the City determines that the user's actual or proposed discharge may present an imminent or substantial endangerment to the health or welfare of persons or the environment, the City Manager may immediately, and without notice, sever or suspend sewer and/or water service provided to the user by the City. If severed or suspended, the sewer and/or water service shall recommence only after the user has satisfactorily demonstrated to the City Manager the user's ability to comply with all applicable provisions of this chapter, and only at the user's sole expense.

**1045.115 JUDICIAL RELIEF.**

With the approval of the City, in conjunction with the City's legal counsel, the City Manager may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this chapter or of any permit, order, notice or agreement issued or entered into under this chapter. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The City Manager may also seek collection of surcharges, fines, penalties and any other amounts due to the City that a person has not paid.

**1045.116 CUMULATIVE REMEDIES.**

The imposition of a single penalty, fine, notice, order, damage, or surcharge upon any person for a violation of this chapter, or of any permit, order, notice or agreement issued or entered into under this chapter, shall not preclude (or be a prerequisite for) the imposition by the City or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under State or Federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

**DIVISION 16. ADMINISTRATIVE REVIEW AND APPEALS**

**1045.117 PROCEDURES AVAILABLE.**

Any person aggrieved by a notice of violation, order, or other action taken by the City Manager under this chapter may request review and reconsideration by the City Manager and/or may appeal to the Wastewater Board of Appeals as provided by this division. If review and reconsideration or appeal is not properly and timely requested in connection with an action as provided by this division, the action shall be deemed final. The person requesting the appeal shall pay an appeal fee in the amount determined from time to time by the City. The appeal fee shall be paid at the time that the appeal is requested.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**1045.118 REVIEW AND RECONSIDERATION BY THE CITY MANAGER.**

A request for a review and reconsideration by the City Manager must be made in writing within seven days from the date of the City Manager's action in question. The request must state the reasons for the review and shall include all supporting documents and dates. A hearing on the request shall be scheduled at the earliest practicable date as determined by the City Manager. The hearing shall be conducted on an informal basis at the Wastewater Treatment Plant or at another location designated by the City Manager. The City Manager shall conduct the hearing. Following the informal hearing, the City Manager may affirm or reverse, in whole or in part, the action appealed from, or may make any order, requirement, decision or determination as, in the City Manager's opinion, ought to be made in the case under consideration. The City Manager shall notify the aggrieved person of the decision on the request within fourteen days of the hearing. The City Manager may request additional information and extend the time for his/her decision by an additional seven days following the submission of the additional information. The decision of the City Manager may be appealed to the Wastewater Board of Appeals as provided by Section 1045.119. All supporting documentation and information shall be provided solely by the person requesting the appeal.

**1045.119 APPEAL TO WASTEWATER BOARD OF APPEALS.**

- (a) The City Council of the City of Coopersville shall serve as a Wastewater Board of Appeals ("WBA"). The WBA shall consider appeals from final decisions of the City Manager (and other appeals as expressly provided by this chapter). The WBA shall adopt its own rules of procedure, and keep a record of its proceedings, showing findings of fact, the action of the board, and the vote of each member upon each question considered. The presence of five members of the WBA shall be necessary to constitute a quorum.
- (b) The following provisions shall govern appeals of final decisions of the City Manager made to the WBA under this chapter:
  - (1) An appeal from any final action of the City Manager must be made to the WBA within seven days from the date of the action appealed. The appeal may be taken by any person aggrieved by the action. The appellant shall file a written notice of appeal with the City Manager and with the WBA. The notice of appeal shall specify the grounds for the appeal and shall be accompanied by a nonrefundable appeal fee of five hundred dollars (\$500.00). Failure to file a timely notice of appeal shall be deemed to be a waiver of the right to appeal.
  - (2) Prior to a hearing before the WBA regarding an appeal, the City Manager shall transmit to the WBA a written summary of all previous action taken in connection with the action being appealed. The WBA may, at the WBA's discretion, request the City Manager to provide further information regarding the action that is the subject of the appeal.
  - (3) The WBA shall fix a reasonable time for the hearing of the appeal. Notice of the hearing shall be provided at least ten days in advance of the hearing to require the attendance and testimony of witnesses and the production of evidence relevant to any

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

matter involved in the hearing. The appellant must submit an exhibit and witness list to the WBA at least five days before the hearing or as directed by the WBA.

- (4) The WBA shall conduct the hearing. At the hearing, attorneys may represent the parties and they may file briefs, present evidence, and call, examine and cross-examine witnesses. Any testimony taken at the hearing shall be under oath and recorded. A copy of the transcript of the hearing shall be made available at cost to any person upon payment of applicable charges for the transcript.
- (5) The WBA shall admit all testimony having reasonable probative value and shall exclude irrelevant or unduly repetitious testimony, as determined by the WBA. The WBA shall not be bound by common law or statutory rules of evidence. The appellant shall have the burden of proof and persuasion for showing that the City Manager's decision was clearly erroneous.
- (6) Within thirty days after the completion of the hearing, the WBA shall mail or otherwise deliver to all of the parties a written decision granting, denying or modifying the decision appealed and/or relief being sought. The decision of the WBA on the matter shall be final and shall be a final determination for purposes of judicial review.

**1045.120 PAYMENT OF CHARGES, PENALTIES, FINES, AND OTHER COSTS OR FEES PENDING OUTCOME OF APPEAL.**

All service charges, penalties, fines, fees, surcharges, costs or expenses outstanding during any appeal process shall be due and payable to the City, as applicable. Upon resolution of any appeal, the amounts due and payable shall be adjusted accordingly, provided that any refunds shall be retroactive to the previous four monthly billings only. The City may terminate wastewater treatment services if a corrective course of action is not taken or if service charges, penalties, fines, fees, surcharges, costs, or expenses are not paid by a user.

**1045.121 FINALITY OF ACTION.**

If an appeal is not demanded as provided by this division within the periods specified by this division, the City Manager's action shall be deemed final. If an appeal is properly demanded, the action appealed shall be suspended until a final determination has been made by the WBA, except for orders to immediately cease and desist discharge; orders to terminate sewer services; other emergency orders or actions where a suspension or delay might endanger human health, the environment, or the SCSS; and as otherwise expressly provided by this chapter (such as for permit appeals, Section 1045.49).

**1045.122 APPEALS FROM DETERMINATION OF WBA.**

Appeals from a final determination of the WBA may be made to circuit court as provided by law. All findings of fact made by the WBA, if supported by the evidence, shall be deemed conclusive.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**DIVISION 17. PROTECTION FROM DAMAGE**

**1045.123 PROTECTION FROM DAMAGE.**

It is a misdemeanor for any person to maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the SCSS. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to other sanctions and remedies as provided by this chapter, including, but not limited to, reimbursement of the City as provided by Section 1045.112 of this chapter.

**DIVISION 18. MUNICIPAL LIABILITY**

**1045.124 MUNICIPAL LIABILITY.**

The City (including, but not limited to, City staff, employees, and officials) shall not be responsible for interruptions of service due to natural calamities, equipment failures, or the actions of users. It shall be the responsibility of the users that all connected equipment remain in good working order so as not to cause disruption of service of any sewer or SCSS equipment.

**DIVISION 19. USE OF PUBLIC SEWERS CONDITIONAL**

**1045.125 USE OF PUBLIC SEWERS CONDITIONAL.**

The use of the public sewer is conditional upon the user complying with all applicable provisions of this chapter, the rules and regulations promulgated pursuant to this chapter, user permits and all other applicable Federal, State and local laws, rules, regulations, standards and requirements. Use of the public sewer is also conditional upon the payment of all applicable charges, surcharges, rates, fees and penalties.

**DIVISION 20. VACATION OF HAZARDOUS PROPERTY**

**1045.126 VACATION OF HAZARDOUS PROPERTY.**

If the City determines that there is a health or welfare hazard created by the emanation of sewage being exposed to the surface of the ground or the draining of sewage from property under the surface of the ground or into any ditch, storm sewer, lake or stream, and that the continuance of the use of the private sewage works by the property poses an immediate threat to humans, the City Manager may order and require the occupants to vacate any structure on the property forthwith.

**DIVISION 21. SCSS FEES**

**1045.127 PURPOSE.**

It is a purpose of this chapter to provide for the recovery from users of the SCSS of all costs incurred by the City for the administration and implementation by the City of this chapter with respect to the SCSS. The SCSS fees provided for by this division are separate from, and in

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

addition to, amounts chargeable to users for sewage disposal services by the City and costs required to be reimbursed to the City under any other provisions of this chapter or other laws and regulations.

**1045.128 SCSS FEES.**

SCSS fees payable by users shall be established by the City and shall be subject to amendment or revision by the City from time to time. Such fees shall be sufficient to meet the costs to administer and implement the requirements of this chapter with respect to the SCSS and any associated regulations and written procedures as provided by this chapter and authorized by applicable law. SCSS fees may include, but shall not be limited to, any of the following:

- (a) Fees to reimburse the City for the costs of development and operation of an industrial pretreatment program, and fees to reimburse the City for monitoring, inspections and surveillance procedures, including expenses incurred for analysis of samples.
- (b) Fees for reviewing discharge reports, and for related enforcement procedures.
- (c) Fees associated with permit applications, permit renewals, and permit transfers.
- (d) Fees for reviewing accidental discharge procedures and construction.
- (e) Fees for appeals filed under this chapter.
- (f) Such other charges or fees that the City deems necessary or required to fully perform the provisions of applicable Federal and State laws or regulations, this chapter, and other City laws or regulations.

**1045.129 SCSS FEE AMOUNTS.**

- (a) SCSS fees shall be paid by users to the City in amounts determined necessary by the City from time to time to reimburse the City for all costs and expenses incurred by the City in administering and implementing this chapter. To the extent practical, the fees shall be set in an amount to include at least the City's average total costs for that purpose. With regard to SCSS activities undertaken by the City with regard to particular users, the fees shall be charged to the users on a time and materials basis, including, but not limited to, the full value of any City staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, testing fees, and actual attorney fees and defense costs, plus general administrative expenses, based on the nature and requirements of the SCSS activities undertaken for each user.
- (b) If the City determines that it is necessary to evaluate the ability or capacity of the SCSS to accept any current or proposed discharge by means, including, but not limited to, a headworks analysis or treatability study, all such evaluation and analysis or other required work shall be at the sole cost of the user. Such costs shall be paid in full by the user according to the timetable and subject to any terms or conditions established by the City Manager, and shall be paid whether or not the discharge (or any part thereof) is ultimately approved. The City Manager may require the user to post a deposit or other form of surety,

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

as determined sufficient and appropriate by the City Manager, to ensure payment by the user of all such costs.

**1045.130 SURCHARGES.**

- (a) Surcharges are intended to reimburse the City for all costs incurred by the City in handling or treating a discharge that contains pollutants in excess of specified surcharge concentrations, loadings or other applicable limits. These costs may include, but are not limited to, the actual cost of treatment including chemical, equipment, and personnel costs.
- (b) Any user exceeding applicable surcharge limitations or other applicable limits shall be subject to the imposition of one or more surcharges as provided by this section to reimburse the City for any costs or expenses, direct or indirect, the City may incur in handling or treating the discharge, or which may be imposed upon the City, where the exceedence of applicable limits causes or contributes to those costs or expenses.
- (c) The amount of a surcharge assessed shall be as specified in the surcharge rate schedule and associated surcharge provisions prepared by the City and approved from time-to-time by the City.
- (d) All violations of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements shall constitute a violation of this chapter, subject to applicable fines, penalties and other enforcement actions provided by this chapter. In no event shall the imposition of a surcharge for a discharge that does not meet the applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this chapter.

**1045.131 BILLING AND COLLECTION OF SCSS FEES.**

User permit application fees shall be due upon submission of permit applications. Except as otherwise required by the City, all other SCSS fees shall be due within thirty days of the date of the activity or service for which the fee is required. For fees not paid at the time of service, the amount of the fee shall be added to the user's sewage disposal service charges or billed separately. SCSS fees provided for by this division shall be billed, collected, and enforced pursuant to the procedures as provided by the City for sewer service fees under this chapter, and other applicable City laws or regulations.

**DIVISION 22. SEWER SERVICE FEE**

**1045.132 SEWER SERVICE FEE.**

A monthly sewer service fee shall be charged to all users as established from time to time by resolution of Council or as otherwise required by applicable laws or regulations or these Codified Ordinances. This fee covers the City's cost of operation, maintenance, repair and replacement of the SCSS, as well as any debt service charges.

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

**DIVISION 23. DELINQUENT ACCOUNTS**

**1045.133 DELINQUENT ACCOUNTS.**

If any moneys owed to the City remain unpaid on their due date, the City may collect them by one or more of the following methods:

- (a) The City may shut off and disconnect sewer or water, or both services, to the premises.
- (b) The City Clerk or City Treasurer may turn any delinquent amounts under this section over to the County Treasurer in the same way as delinquent ad valorem property taxes are reported and/or add them to the tax rolls and collect them in the same manner as ad valorem property taxes.
- (c) The City may take all appropriate legal or equitable actions to collect any amounts due the City under this chapter.

**Sec. 3. Severability.** Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Sec. 4. Saving Clause.** The amendment or repeal by this Ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this Ordinance or prosecutions based upon actions taken by any person prior to the effective date of this Ordinance. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this Ordinance.

**Sec. 5. Conflict.** Except as otherwise expressly provided, the provisions of this Ordinance shall control in the event of any inconsistency or conflict between this Ordinance and any other provision of any other Ordinance of the City.

**Sec. 6. Publication.** This Ordinance shall be published by publishing a summary of the Ordinance in a newspaper of general circulation in the City of Coopersville, including the designation in the publication of the location in the City where a true copy of the Ordinance can be inspected or obtained, as authorized by State law.

**Sec. 7. Effective Date.** This Ordinance shall be adopted upon passage by the City Council and as certified by the Clerk, below, but shall not become effective until such time as both of the following conditions precedent have been satisfied:

1. The City of Coopersville has been added to the Muskegon County Wastewater System Master Contract as a Local Unit and the City has duly executed the Master Contract; and

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

2. The Southeast Regional Force Main system project (“SERFM”) has been completed, the City’s sanitary sewer system has been connected to the SERFM pipeline, and the City has redirected all wastewater discharged by City users to the new SERFM pipeline for treatment and disposal by the Muskegon County Resource Recovery Center, thereby ceasing discharge of City user’s wastewater to the City's wastewater treatment plant.

Upon satisfaction of both conditions precedent set forth above, this Ordinance shall become effective immediately without further action by the City Council. The City Clerk shall maintain records documenting the satisfaction of each condition and shall publish notice of the Ordinance's effective date in accordance with applicable law.

**Sec. 8. Tie-Bar Provision.** Notwithstanding anything to the contrary in Sec. \* (“Effective Date”) above, the effectiveness of this Ordinance is contingent upon the concurrent adoption by the City Council, at the same meeting, of [First/Second] Ordinance No. [\_\_\_\_] adopting new Chapter 1045A (“Industrial Pretreatment Program Regulations For Discharges Of Wastewater From The City To The Muskegon County Wastewater Management System”) of Part Ten (“Streets, Utilities and Public Services Code”) of the City of Coopersville Code of Ordinances. Both ordinances constitute interdependent components of a comprehensive regulatory scheme for wastewater management within the City. Neither ordinance shall become effective unless both are adopted by affirmative vote of the City Council at the same meeting. In the event that either ordinance fails to receive the requisite votes for adoption, both ordinances shall be deemed rejected and shall be of no force and effect.

On roll call, the vote was:

Yeas: Council Members Bowman, Poelma, Weise, Gerard, Degeus, Mayor Bush

Nays: None

Abstained: Council Member Gavin

\_\_\_\_\_  
By: \_\_\_\_\_

**Certification**

I, \_\_\_\_\_, Clerk of the City of Coopersville, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the City of Coopersville City Council at

---

**CITY OF COOPERSVILLE**  
**ORDINANCE NO. 541**

---

a regular meeting held on September 8, 2025, at 289 Danforth Street and that it was published in The Coopersville Observer on September 22, 2025.

\_\_\_\_\_, Clerk