

DELTA CHARTER TOWNSHIP
EATON COUNTY, MICHIGAN
ORDINANCE NO. 24-115

At a duly scheduled and noticed meeting of the Township Board of the Charter Township of Delta, Eaton County, Michigan, held at the Delta Township Offices on October 7, 2024 at 6:00 p.m., Township Trustee Andrea M. Cascarilla moved to introduce the following Ordinance, which motion was seconded by Township Trustee Beth S. Bowen:

AN ORDINANCE TO AMEND THE PROVISIONS OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELTA, CHAPTER 40 – UTILITIES, ARTICLE IV – WASTEWATER SYSTEM USE, SECTION 40-234 DEFINITIONS, SECTION 40-266 POLLUTANT LIMITATIONS ON WASTEWATER DISCHARGES, SECTION 40-268 FEDERAL CATEGORICAL PRETREATMENT STANDARDS (EPA), SECTION 40-278 FATS, OILS, GREASE AND SAND INTERCEPTORS; INSTALLATION AND MAINTENANCE, SECTION 40-284 MEASUREMENTS AND ANALYSES, SECTION 40-388 NOTICE OF POTENTIAL HARMFUL DISCHARGE, AND SECTION 30-389 NOTICE OF VIOLATION, AND ; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of Delta, Eaton County, Michigan ordains:

Chapter 40, Article IV, of the Code of Ordinances, Delta Charter Township, Michigan, is hereby amended as follows:

SECTION I

Sec. 40-234. Definitions

Addition of the following terms to Section:

Control Manhole means a sanitary sewer manhole located on the private sanitary sewer line coming from any building that is served by the Township's WRRF. The manhole is an access point for maintaining and inspecting the sanitary sewer, including for observing, sampling, and flow determinations. The establishment of control manholes, including their design and location, requires prior written approval of the township Utility Director or his/her designee.

Fats, oils, and greases (FOG) means organic polar or non-polar compounds derived from petroleum products, vegetable/plant or animal sources, including fats, oils, and greases. There are two types of FOGs. See polar FOG and non-polar FOG definitions .

FOG Industrial Pretreatment Program Supervisor (*FOG-IPPS*) means the Township Utilities Director or his/her designee.

Food Service Establishment (FSE) means any commercial use or location where food or beverage is prepared and served and/or consumed. FSEs include but are not limited to restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores or gas stations with on-site food preparation, coffee shops and ice cream parlors.

Grease interceptor means an appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG from wastewater in accordance with MPC. There are two types of grease interceptors. See gravity grease interceptors (preferred) and hydro-mechanical grease interceptors (not preferred) definitions.

Grease interceptor, gravity: (preferred) means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG from a wastewater discharge and is identified by gravity separation, mass and volume, baffle(s), ~~and a minimum of two compartments, and a minimum total retention volume of 1,000 gallons.~~ These interceptors must be designed by a registered professional architect or engineer. Gravity grease interceptors are installed outside.

Grease interceptor, hydro-mechanical (not preferred) means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydro-mechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with air intake (vent). A hydro-mechanical grease interceptor may also be referred to herein as a “grease trap.”

Grease Waste means material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the collection system, the POTW, its treatment processes, its operations, its sludge processes, use or disposal, or is a cause of a violation of the Township's NPDES permit.

MPC means the Michigan Plumbing Code, as amended.

Non-Polar FOG means materials that are the portion of the oils and greases that derive from petroleum products (motor oil, automotive greases, etc.). Non-Polar FOG is detectable and measurable using analytical test procedures established in 40 CFR Part

136, and as may be amended from time to time. Non-Polar FOG is sometimes referred to herein as “grease” or “greases”.

Pass Through means a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Polar FOG means materials that are the portion of the oils and greases that derive from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Polar FOG is detectable and measurable using analytical test procedures established in 40 CFR Part 136, and as may be amended from time to time. Polar FOG is sometimes referred to herein as “grease” or “greases”.

Sand and Sediment Interceptor means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept and retain sand, gravel, and similar materials, in addition to any oil, grease, gas, or diesel fuel-laden waste material from a wastewater discharge.

Significant noncompliance means any industrial user with a violation that meets one (1) or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) the daily maximum limit, instantaneous limit, or the average limit for the same pollutant parameter.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty three (33) percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the daily maximum limit, instantaneous limit, or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and greases, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit or requirement (daily maximum, longer term average, instantaneous limit, or narrative standard) that the WRRF (Utility Director or his/her designee) determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WRRF personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WRRF's exercise of its emergency authority under Section 40-396 (Emergency suspension of service) to halt or prevent such a discharge.

- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the WRRF determines will adversely affect the operation or implementation of the local pretreatment program.

Slug Discharge or Slug means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WRRF's regulations, local limits or permit conditions.

Transporter means a person who is registered with and authorized by the State of Michigan to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease interceptor/trap waste in accordance with current regulations.

Total Suspended Solids (TSS) means all matter existing in nonliquid state which is removable by filtration in accordance with standard laboratory procedures.

WRRF means the Township's water resource recovery facility.

Removal of the following terms from Section:

~~*Interference* means the inhibition or disruption of the POTW treatment processes or operations, or that which contributes to a violation of any requirement of the township NPDES permit. The term "interference" includes limitations of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria or those guidelines and criteria contained in any sludge management plan of the POTW applicable to the method of disposal or use employed by the POTW.~~

~~*Significant noncompliance* means chronic violations indicating significant noncompliance include, but are not limited to, the following:~~

- ~~(1) Violation of a particular effluent limit in at least 66 percent of the samples taken over a six month period of the same pollutant parameters.~~
- ~~(2) Exceeding by 40 percent a conventional pollutant (BOD, solids, etc.) effluent limit in 33 percent of the samples taken over a six month period.~~
- ~~(3) Exceeding by 20 percent any other effluent limit (nonconventionals and toxins) in 33 percent of the samples taken in a six month period.~~
- ~~(4) Discharges which violate general prohibition standards or endanger public health.~~
- ~~(5) Failure to achieve compliance schedule milestones within 90 days of the milestone date.~~
- ~~(6) Failure to submit required reports within 30 days of the due date.~~
- ~~(7) Failure to report noncompliance.~~
- ~~(8) Other cases of significant noncompliance as determined by the utilities director.~~

~~Slug means any discharge of water, sewage, or industrial waste which in concentration of any given waste component or in quantity of flow exceeds for any period of time longer than 15 minutes more than five times the average 24 hour concentration or quantity of flow during normal discharge. Flow shall not exceed 350 gallons per minute above the normal flow.~~

~~Suspended Solids means all matter existing in nonliquid state which is removable by filtration in accordance with standard laboratory procedures.~~

Sec. 40-265. - General prohibited discharge standards.

Amend sub-item (2) as follows:

- (2) Any petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, fat, wax, grease, oil (emulsified or not) in excess of the maximum limitation established **by ordinance or** by resolution of the township board; any floating oil, oil sheen or grease particles.

Sec. 40-266. - Pollutant limitations on wastewater discharges.

Amend Section as follows:

- (1) In addition to the general prohibited discharge standards, no person shall discharge into the sanitary sewer wastewater any of the pollutants designated by resolution of the township board in excess of the quantities established in that resolution of the township board.

- (2) **The prohibitions and restrictions in Sec. 40-266 (1), or as set forth in a special agreement (which may be a use permit), shall apply at the point where wastewater and pollutants are discharged or caused to be discharged**

into the POTW and required pretreatment shall be affected before that point is reached.

(3) Grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional sampling techniques, unless the township Utility Director, or his/her designee, authorizes an alternative sampling technique such as 24-hour composite samples obtained through time-based sampling techniques or compositing of multiple grab samples collected during a 24-hour period. Where an alternative sampling technique is authorized by the township Utility Director, or his/her designee, the samples must be representative of the discharge. Justification for an alternative sampling technique shall be provided by the user and documented in the WRRF's file for that user. Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: in the field or in the laboratory for cyanide, total phenols, and sulfides; in the laboratory for oil and grease and volatile organics; as authorized by the township Utility Director, or his/her designee, for other parameters.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of 4 grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds, as applicable, where historical sampling data do not exist. Where historical sampling data do exist, the township Utility Director, or his/her designee, may establish an alternative minimum number of grab samples. For other reports required by this chapter, the number of required grab samples shall be as established by the township.

Sec. 40-268. - Federal categorical pretreatment standards (EPA).

Amend Section as follows:

(1) Upon promulgation of a federal categorical pretreatment standard for a particular industrial subcategory, all industrial users affected by the pretreatment standard will be required to conform to the new pretreatment standard in accordance with 40 CFR 403.12. The federal standard, if more stringent than the limitations imposed under this article for sources in that subcategory, shall immediately supersede any limitations imposed under this article. In the event a new pretreatment standard is less stringent than a standard imposed in this article, the limitations in this article shall prevail. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(2) Net/gross and federal categorical pretreatment standards. A user may apply to the township for an adjustment in a federal categorical

pretreatment standard to reflect the presence of pollutants in the user's intake water in accordance with 40 CFR 403.15, as amended. In the event an adjustment is made, the adjusted federal categorical pretreatment standard shall apply, provided the adjustment will not result in interference or pass through.

Sec. 40-278 Fats, oils, grease and sand interceptors; installation and maintenance.

Replace entire Section as follows:

(a) Grease and/or sand interceptors and control manholes required. FSEs shall discharge all wastewater containing FOG from fixtures or sources in food preparation or cleanup areas into a properly maintained and functioning grease interceptor that is designed and tested in accordance with the installation and sizing requirements of the MPC, as adopted by the Township. All non-polar sources of FOG shall discharge into a properly maintained and functioning sand interceptor that is designed and tested in accordance with the installation and sizing requirements of the MPC. Water closets, urinals and other plumbing fixtures conveying human waste shall not drain into or through the grease/sand interceptor. Any additional or specialty interceptors or other appurtenances shall be routed through the grease interceptor. Any installation of a grease or sand interceptor shall be followed by installation of a control manhole. The control manhole will be constructed as per Township municipal utility standards and subject to written approval of the Utility Director.

1. Except as otherwise provided in subsections (3) or (4) below, new FSEs shall be equipped with an exterior gravity grease interceptor that is designed and tested in accordance with the requirements of the MPC prior to commencement of any discharge. Any permitted construction shall be deemed compliant upon issuance of a certificate of occupancy for such construction by the Township's Building Official or designee.

2. Except as otherwise provided in subsections (3) or (4) below, existing FSEs that are not equipped with a grease interceptor or that are equipped with a grease interceptor that does not comply with the MPC shall install a compliant grease interceptor when any of the following occurs:

a. The FSE constructs an expansion, renovation or modification that requires a building or plumbing permit to be issued. In such case, the grease interceptor and a control manhole shall be installed prior to requesting the final inspection.

b. The FSE sewage discharge necessitates increased maintenance on the wastewater disposal system in order to minimize the number of blockages occurring and/or to minimize interferences with the normal operation of pumps and other equipment, as determined by the FOG-IPPS in his or her sole and absolute discretion.

c. A FSE is not adequately retaining Polar FOG. This occurs when the quantity of Polar FOG being discharged exceeds the most recently adopted local limit for polar oil and grease as determined by federally approved methodologies.

d. A user is not adequately retaining Non-Polar FOG. This occurs when the quantity of Non-Polar FOG being discharged exceeds the most recently adopted local limit for non-polar oil and grease as determined by federally approved methodologies.

3. Any FSE that wishes to be exempt from an exterior grease interceptor installation or maintenance requirement must file for a request for an exemption with the Township's FOG-IPPS, who may approve the exemption if:

- a. Only catered meals are distributed and consumed at the FSE and all dishes, pans, utensils, etc. are removed and cleaned at a different approved facility which contains properly operating and sized grease interceptors; or
- b. Only pre-packaged foods are served at the FSE and no oil, grease, or other products containing grease are washed down sinks or drains.

4. If a FSE demonstrates to the satisfaction of the FOG-IPPS that installation of an exterior gravity grease interceptor is not feasible, the township Utility Director may grant an exemption allowing such FSE owner to install any and all other alternatives which will, in the Director's discretion, adequately control the release of FOG from the FSE or the structure into the wastewater system. The FSE bears the burden of demonstrating that the installation of an exterior gravity grease interceptor is not feasible.

a. The request for an exemption shall be in writing and shall include the following information:

- i. Evidence of a lack of available exterior space necessary to place an interceptor relative to the location of sewer main and easement;
- ii. Evidence of a lack of adequate slope for gravity flow between kitchen plumbing fixtures in the FSE and the wastewater facilities; and
- iii. Description and specifications of the alternative grease control equipment that will be installed.

b. Any alternative treatment technology must remove FOG to the extent that the waste discharge does not exceed the maximum allowed concentration as established under the Township's local limit for polar and/or non-polar FOG. FSE must make any modifications requested by the Township that are required to achieve the FOG discharge requirements even if an exemption was granted.

5. The grease interceptor submittal package shall be prepared and sealed by a licensed professional architect or engineer in the State of Michigan. The submittal package may only be approved by the Township Plumbing Inspector. Submittal package shall provide the following:

- a. Design sizing calculations
- b. Structural calculations
- c. Water tightness testing information
- d. Chemical Resistance information (minimum pH 1.5-3)
- e. Vendor installation instructions
- f. Gravity grease interceptor manufacturer protocols

(b) Grease Interceptor Installation Requirements- All interior and exterior grease interceptors shall be installed in accordance with the requirements of the MPC and manufacturer's installation instructions. In the event of a conflict between the MPC and the manufacturer's installation requirements, the more restrictive requirement shall govern. In addition, grease interceptors shall be subject to the following requirements:

1. An exterior gravity grease interceptor must be constructed on the property occupied by the structure in a location that allows unrestricted access to Township representatives for the purposes of inspection, sampling, and testing.
2. An exterior gravity **polar** grease interceptor must have a minimum size of 1,000 gallons. A larger-sized grease interceptor may be required based on the FSE's engineered sizing calculations.
3. Interior grease traps must be located away from food prep areas in an area that has been approved by the Township Plumbing Inspector.
4. Once installed and approved by the Township, grease interceptors/traps cannot be modified in any way without prior written approval of the Township.
5. Interceptors shall be placed as close as practical to the building/fixtures they serve. The following are recommended distancing:
 - i. Location within 5 ft. of the building is preferred.
 - ii. Location in range of 5-25 ft. is acceptable.
 - iii. Location greater than 25 ft. from the building requires the following:
 - a. Insulate pipe, and
 - b. Lateral line from building to grease interceptor to be jetted at every cleaning (+/- 90 days).
6. If the FOG-IPPS approves the use of an interior hydromechanical interceptor or grease trap rather than a gravity grease interceptor, the grease trap must be installed in a readily accessible location. Township representatives must have unrestricted access to the grease trap for the purposes of inspection, sampling, and testing during normal business hours.
7. Each FSE that requires a grease interceptor shall have an interceptor that serves each establishment unless otherwise approved by the FOG-IPPS.

(c) Grease Interceptor or Sand Interceptor Inspection and Maintenance - The following maintenance and cleaning practices shall be implemented by all users that have a grease and/or sand interceptor:

1. Exterior gravity grease interceptors holding 1,000 gallons or more shall be pumped and/or cleaned out a minimum of once every 90 days, or more frequently if the interceptor has accumulated waste, both floatable and settleable accounting for 25% of its wetted depth, as measured from the static water level to the interior tank bottom. If the installed gravity grease interceptor is smaller than 1,000 gallons, the cleaning frequency shall be determined by the Township's FOG-IPPS, but shall be no less than once every 60 days.
 - a. Grease and/or sand interceptor cleaning verification shall be maintained at the FSE or user's location.
 - b. The goal at pump out cycle of 90 days: an effluent concentration below the most recent adopted local limit for FOG, and volume of FOG/grit $\leq 25\%$ of total

volume. If these goals are not met, the FOG-IPPS can require more frequent pump outs, ranging from 1-90 days, as the FOG-IPPS deems appropriate, until the desired goals are met.

2. Interior grease traps must be pumped/cleaned out completely a minimum of once every 30 days, or more frequently if the unit has accumulated waste, both floatable and settleable accounting for 25% of its wetted depth, as measured from the static water level to the interior tank bottom.

a. If a grease hauler is hired to pump out the grease trap, the haulers' receipts shall be maintained at the location where the grease was pumped out.

b. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed, for the purpose of reducing the volume to be disposed of, is strictly prohibited.

c. The goal at the pump out cycle of 30 days is to have an effluent concentration below the most recent adopted local limit for FOG and volume of FOG/grit \leq 25% of total volume. If these goals are not met, the FOG-IPPS can require more frequent pump outs, ranging from 1-30 days, as the FOG-IPPS deems appropriate, until the desired goals are met.

3. Any person/company who cleans an exterior grease interceptor must be licensed in the State of Michigan and shall do so in accordance with the following procedures and requirements. Any person who cleans an interior grease trap/interceptor shall also follow these procedures and requirements.

a. Measure and record the depths of solids on the bottom and FOG on the top of the grease interceptor on a cleaning log or report. The person shall also record the total percent of FOG and solids compared to the design liquid depth. These cleaning logs (records) must be maintained for three years.

b. Completely empty and remove the contents (liquids and solids) of all vaults of the grease trap/interceptor and remove the grease mat and scrapings from the interior walls.

c. Dispose of waste and wastewater removed from a grease interceptor at a facility approved for disposal of such waste. Waste and wastewater removed from a grease interceptor shall not be discharged to any public or private sanitary or storm sewer system within Delta Township's collection system.

d. Do not deposit waste and wastewater removed from a grease trap or grease interceptor back into the grease trap/interceptor from which the waste or wastewater was removed or into any other grease trap or grease interceptor, for the purpose of reducing the volume of waste and wastewater to be disposed of.

e. Exterior grease interceptors shall be refilled with potable water to the bottom of the outlet tee or to the outlet pipe invert. This must be done prior to start-up to avoid surcharging the sanitary sewer line with FOG.

f. Do not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease trap or grease interceptor to dissolve or emulsify grease or as a grease abatement method.

g. Do not use an automatic grease removal system to clean a grease trap or grease interceptor without prior written approval of the FOG-IPPS. If the use of an automatic grease removal system is approved by the FOG-IPPS, the user shall

operate the same in a manner that the grease wastewater discharge limit, as measured from the system's outlet, is consistently achieved.

h. The FSE or user will verify that the grease interceptor or grease trap is in good operating condition by checking the following:

i. Check that the sanitary "tees" on the inlet (if applicable) and outlet sides of the grease interceptor are not obstructed, loose, or missing.

ii. Verify that the baffle is secure and in place.

iii. Inspect the grease interceptor for any cracks or other defects.

iv. Check that lids are securely and properly seated after completion of cleaning.

v. For grease traps, check that the flow restrictor is secure.

4. The FOG-IPPS may also implement additional maintenance and cleaning verification procedures.

(d) Best Management Practices (BMPs). FSEs shall incorporate the following BMPs into their kitchen and dishwashing procedures to minimize the amount of grease that is disposed of in the sewer:

1. Train all kitchen and dishwashing staff on proper FOG management.

2. Scrape dishes and pans or "dry wipe" before putting them into the sink or dishwasher. Place food scraps from dishes into trashcans and garbage bags and dispose of them properly.

3. Never pour grease, oils, oily sauces, syrups, or dressing down the drain. Never "hot flush" oil or grease down sinks or drains.

4. Dispose of FOG in covered collection containers. Have FOG picked up by a certified hauler for proper disposal.

5. Allow FOG to cool before it is skimmed, scraped, or wiped off all preparation and servicing surfaces.

6. Cover the kitchen sink drains and floor drains with screening and empty debris into garbage as needed.

7. Recycle used fryer oil.

8. Do not pour chemicals or additives into the grease interceptor.

(e) Record Keeping - The building owner or operator of an establishment that is required to pass wastewater through a grease interceptor and/or a sand interceptor, including FSEs, shall maintain a written record of grease interceptor maintenance. Such records shall include the following:

1. All maintenance and cleaning activities for an interior, exterior, or sand interceptor shall be recorded on a log that must be retained for a period of three years and shall be made available to the FOG-IPPS or plumbing inspector upon request. The log shall include date, time, and volume of waste removed, disposal site, and signature of responsible party. The log shall also include the dates upon which the interceptor was inspected and the dates upon which FOG waste and wastewater was removed from the interceptor and disposed of, along with the percentage of FOG and solids of the design liquid depth, if applicable.

2. The written record shall include the location and means of such disposal of waste and wastewater, the name and employer or the person or persons performing each of said tasks and any maintenance issues that require correction.
3. The log shall always be kept at the premises, maintained, and show a record of inspections and waste and wastewater removal and disposal for a continuous period of three years.
4. The log shall be made available for non-routine inspection by the Township at any time during normal business hours.
5. The FOG-IPPS may include other data submittal requirements for compliance verification.

(f) Grease interceptor and control manhole inspections. FSEs that are required to pass its wastewater through a grease interceptor shall allow for an inspection by Township personnel and shall:

1. Provide, operate, and maintain, at its expense, safe and accessible monitoring facilities for sampling of the wastewater discharged from the grease interceptor or building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling of both the interceptor and the control manhole.
2. Allow personnel authorized by the FOG-IPPS or by the Township's Building Official or designees, bearing proper credentials and identification, to enter upon or into any building, facility and/or property housing a FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this Section.
3. Upon request by the FOG-IPPS, open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, including but not limited to, baffles, influent and effluent tees, and that all grease interceptors and related equipment and piping is maintained in efficient operating condition.
4. Accommodate compliance inspections and sampling events by the FOG-IPPS or his/her designee. The FOG-IPPS may conduct routine inspections and sampling events of any establishment. Non-routine inspection and sampling events shall occur more frequently when there is a history of noncompliance with this ordinance or if excessive amounts of FOG are observed in the collection system downstream of the establishment.

(g) Charge for remedial maintenance or repair of the Township wastewater disposal system

1. In the event a FSE is found to have contributed to the partial or complete obstruction of a wastewater facility or sanitary sewer line resulting from the discharge of wastewater or waste containing FOG, sand, and/or particulate, and that the Township is required to act immediately to control a public health hazard because of such blockage, the responsible party shall be required to reimburse the Township for all costs of abating such condition.
2. If the sanitary sewer requires cleaning more frequently than the normal cycle due to documented accumulations of FOG, the FSE responsible for the discharge of the FOG may be assessed a fee equal to the additional costs incurred to remove and dispose of the

FOG. Such costs will include the scheduled costs of any equipment used, the manpower costs and any disposal costs and shall be reflected on an invoice to the FSE.

3. In situations where there are multiple FSEs identified as contributing to FOG causing such obstruction or required additional cleaning, the Township will determine each FSE's percentage of responsibility for the cleanup fee to be allocated proportionally.

4. Other Remedies

a. The Township may disconnect water and sewer service to the user or FSE and to the structure in which the user or FSE is located if continued violations persist. A "continued violation" means a second (or any subsequent) violation of the same requirement or provision.

b. The Township may issue fines in accordance with Section 40-425(e) "Violations and Penalties" on a user or FSE found in violation of this Section.

c. The subject user or FSE may be required to install additional FOG equipment upon failure to pass a FOG inspection due to lack of or ineffective FOG equipment, as necessary to achieve compliance.

d. The Township may require the FSE to utilize "Biobugs" for a limited time for management of FOG in the collection system when it is found that an FSE is discharging FOG that leads to or has caused a sanitary sewer blockage.

e. At the FOG-IPPS's discretion, a fine in accordance with Section 1-7 for municipal civil infraction may be assessed for certain violations of this Section, including but not limited to violations of BMPs, record-keeping, and cleaning frequencies.

f. The Township may apply any or all of the Other Remedies listed above at its sole discretion.

Sec. 40-284. - Measurements and analyses.

Replace entire Section as follows:

All measurements, tests, and analyses of the characteristics of the discharge shall be determined in accordance with U.S. EPA approved procedures contained in 40 CFR, Part 136 or, in cases where the U.S. EPA approved procedures are not available or do not apply to a particular characteristic, by alternate methods validated by a recognized authority and approved by the township

Sec. 40-388. - Notice of potential harmful discharge.

Amend Section as follows:

All industrial users shall notify the **WRRF** immediately of all discharges that could cause problems to the **WRRF** including any slug loadings or slug discharges as defined in this article. All industrial users are required to report a violation of pretreatment standards within 24 hours of when the violating discharge was first detected. Resampling **and reporting** to confirm compliance of the wastestream in violation shall be completed within 30 days. **The Utilities Director shall evaluate each significant industrial user at least once every two (2) years, to determine whether such user needs a plan to control slug discharges. If the user is required to have a**

slug control plan, it shall at a minimum contain the elements found in 40 CFR 403.8(f)(2)(vi). Significant industrial users are required to notify the WRRF immediately of any changes at its facility affecting potential for a slug discharge. Any new significant industrial users will be evaluated within one year of being designated a significant industrial user.

Sec. 40-389. - Notice of violation.

Amend Section as follows:

(a) Generally. Whenever the superintendent finds that a user has violated or is violating this article or a wastewater discharge permit, including any prohibition, limitation or requirement contained herein, the township may serve upon such a person a written notice stating the nature of the violation. Within 30 days of the receipt date of this notice, a plan for the satisfactory correction thereof shall be submitted to the superintendent by the user.

(b) Damaging contributions. Whenever the township finds that a user has or is violating this article or a wastewater discharge permit, by an actual or threatened discharge that may cause interference to the POTW or cause the township to violate any condition of its NPDES permit, the township may serve upon such a person a verbal and/or written notice to require immediate stoppage or elimination of the violating contribution. Within ten days of the receipt date of this notice, an explanation of the violations and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(c) Violation. If sampling performed by an industrial user indicates a violation of this article, the user shall notify the township's WRRF within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. Where the township has performed the sampling and analysis in lieu of the industrial user, the township must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

SECTION II

SEVERABILITY. If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confirmed in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION III

REPEAL. All ordinances or parts of ordinances of the Charter Township of Delta inconsistent herein are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

SECTION IV

EFFECTIVE DATE. This Ordinance shall take effect upon final publication as required by law.

SECTION V

Effect on Other Ordinances. Except as expressly amended by this Ordinance, all other Delta Township Ordinances shall remain unchanged and in full force and effect.

Roll call vote taken:

YEAS: Acting Supervisor/Clerk Clark, Acting Clerk/Treasurer Fedewa, Trustee
Bowen, Trustee Cascarilla, Trustee Mojica

NAYS: None

ABSTAIN/ABSENT: Trustee Brewer

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that:

1. The above is a true copy of Ordinance No. 24-115, adopted by the Delta Township Board at a duly scheduled and noticed meeting of that Township Board held on October 7, 2024, pursuant to the required statutory procedures.
2. A summary of Ordinance No. 24-115 was duly published in the Lansing State Journal newspaper, a newspaper that circulates within Delta Township, on October 14, 2024.
3. Within 1 week after such publication, I recorded Ordinance No. 24-115 in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of Ordinance No. 24-115 with the Eaton County Clerk on October 11, 2024.

ATTESTED:

Dated: October 11, 2024
MARY R. CLARK, Delta Township Clerk