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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

October 21, 2019

Mr. Brian White  
City of Holland  
333 Wyngarden Way  
Holland, Michigan 49423

Dear Mr. White:

SUBJECT: Illicit Discharge Elimination Plan (IDEP) Review  
National Pollutant Discharge Elimination System (NPDES)  
Certificate of Coverage (COC) No. MIG610218  
Municipal Separate Storm Sewer System (MS4)

On July 26, 2019, the Macatawa Area Coordinating Council (MACC) submitted a revised IDEP on your behalf to the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD). In the comments included with the MiWaters submission, you requested a review of the revised IDEP for approval in accordance with MS4 General Permit No. MIG619000 and City of Holland (City) COC MIG610218. General Permit No. MIG619000, authorizes discharges of storm water from MS4s to the surface waters of the state, and thus you are subject to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18.

The July 2019 version of the IDEP is approved. Please replace your previous IDEP with the new version and begin implementing it immediately. Per your request, the IDEP revision has also been reviewed for inclusion with the new permit application dated April 1, 2016. While the IDEP will not be formally approved for this use until the permit is issued, it appears to meet the minimum requirements of the new permit application.

If you have any questions please contact me at 616-356-0215; [stamoura@michigan.gov](mailto:stamoura@michigan.gov); or at the address below.

Sincerely,

Amanda St. Amour  
Senior Environmental Quality Analyst

as/lr

cc: Ms. Kelly Goward, MACC



# **Illicit Discharge Elimination Program Plan**

**For**

**City of Holland**



**National Pollutant Discharge Elimination System**

**April 2019**

Original developed November 2004

Revised May 2005

Prepared by

Macatawa Area Coordinating Council

301 Douglas Ave

Holland, MI 49424



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## I. Introduction

The goal of this Illicit Discharge Elimination Plan (IDEP) is to develop and implement a program within the City of Holland that will aid in the improvement of surface water quality in the City's MS4 and waters of the state. This plan was originally developed in 2004 per the 2003 Certificates of Coverage issued to the Macatawa Watershed Storm Water permittees, who at that time, applied for coverage under a Watershed General Permit. The plan was revised in April 2005 and approved by the DEQ.

A Macatawa Watershed Storm Water Committee (the Committee), comprised of representatives from each public entity in the watershed, met originally to develop this plan. The committee is organized by the Macatawa Area Coordinating Council (MACC) and has continued to meet on a quarterly basis to discuss and evaluate the plan as well as other aspects of the Phase II storm water management program. The City of Holland will continue to participate in the MACC's Storm Water Committee throughout the next permit cycle.

## II. Objectives

- A. Maintain an accurate map of all known point sources and their respective receiving waters
- B. Field locate, prioritize and eliminate illicit discharges and illicit connections found during dry weather
- C. Minimize infiltration of seepage from sanitary sewers and on-site sewage disposal systems from separate storm sewer system
- D. Maintain a records management system for discharge point and outfall construction plans, maps, inspection reports, complaint response, etc.
- E. Conduct periodic evaluations of the effectiveness of this plan and progress toward meeting goals
- F. Review existing ordinances and establish necessary enforcement measures

## **A. Maintain a Map of Discharge Points and Outfalls**

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The City of Holland completed the process of updating their database of known point sources, both discharge points and outfalls, during 2014. The database is maintained in the City of Holland Transportation Department Office and also in a database maintained by the Macatawa Area Coordinating Council.

Additional discharge points and outfalls will be input into the database once they are identified or constructed. Some discharge points or outfalls may be deleted if it is determined that a discharge point or outfall does not fit the definition of a public discharge point or outfall or it no longer exists. Additions, deletions and other changes will be input into the City and MACC databases within 30 days of discovery. The database includes a code assigned to each discharge point and outfall, the receiving water body, structural information about the pipe, pipe condition, and other information. The database was developed in an online GIS system and therefore serves as a map of discharge points, outfalls as well as other storm sewer system components.

## **B. Inspect, Investigate and Eliminate Illicit Discharges and Connections**

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Dry weather inspections of discharge points and outfalls include observing systems when little to no storm water flow is expected. Not all illicit discharges are dependent on a rain event, such as illicit septic connections or dumping, and some legitimate discharges can occur during dry weather, such as runoff from lawn sprinklers or ground water sump pump discharges from home underdrains. Despite the previous examples, dry weather screenings provide the best mechanism for visual and odor detection of illicit discharges.

Inspections will be conducted in dry weather. Dry weather conditions exist if there has less than 0.1” of precipitation in the previous 48-72 hours prior to inspection. Where discharge points or outfalls are submerged or partially submerged, the dry weather screening will occur at the first accessible upstream manhole, or where determined appropriate by the inspector. Rules of confined space entry may require an inspector and an attendant.

### *1. Procedure for Performing Field Observations*

All discharge points and outfalls will be inspected once during the permit cycle (once every five years). The dry weather screening procedure will include the completion of the Dry Weather Monitoring Form (Appendix A). Once the discharge point or outfall is located, it will be checked for flow. If no flow is present, then the observation will be recorded on the form. Additional observations will also be recorded if present including odor, deposits, floatables, biology (algae, bacterial sheens and slimes) and vegetation. The condition of the pipe will also be assessed and the current weather conditions recorded. Existing structural data (size and material) will be verified as well as receiving water. Inspectors will also be encouraged to make additional observations related to presence of trash or evidence of erosion or pollution from surface runoff. Photographs will be taken as necessary to document condition and location.

## *2. Procedure for Performing Field Screening when Flow is Present*

If flow is present during a dry weather screening, the inspector will at a minimum make these additional observations on site at the time of the screening: odor, color, turbidity (visual assessment), floatables, deposits/stains, and vegetation. The following chemical assessments may also be completed on site when possible: pH, ammonia, surfactants, and temperature. pH and ammonia will be assessed using test strips and surfactants will be assessed by collecting a sample in a small glass bottle, securing the lid, shaking vigorously, and looking for bubbles. Temperature will be measured using a water thermometer or heat gun. Visual and odor assessments are subjective and will be completed on site by the inspectors and recorded appropriately in the online database. If sewage is suspected then a sample will be collected, if possible, and tested by the Holland Board of Public Works or another City of Holland approved laboratory for the presence of *E. coli*. If an illicit connection is suspected, the inspectors will proceed with initiating a source investigation, either themselves if they have been properly trained, or by notifying their supervisor by the close of business the same day that a source investigation is necessary. Inspectors will be provided training in how to carry out all onsite observations and measurements including how to properly fill out the monitoring form.

## *3. Procedure for Performing a Source Investigation*

Once a discharge point or outfall has been identified as having a possible illicit connection, investigative activities will proceed within 2 business days starting at the discharge point or outfall and moving upstream within the suspect municipal storm drainage system. The investigation will continue upstream until the potential source is found. The initial investigation of the municipal drain and each service connection may involve several hours of visual and odor-based inspections or other suitable tracking methods. Any facility having suspicious dry weather discharge will be subject to inspection. Upon determining that a private facility needs to be investigated, the assigned employee from the City of Holland will contact the facility explaining the suspected problem and establish permission to access the property. If it is determined that the facility has a discharge and is under an industrial or construction site NPDES permit, the DEQ will be contacted immediately to guide the response and enforcement procedure.

The following are standard operating procedures for investigating a suspected illicit discharge:

- a. Upon arriving at the site, the property owner and/or facility manager will be advised of the inspector's strategy and interviewed by the inspector about the location of all property lines, storm lines and related catch basins, sanitary lines and service manholes, waste process lines, and hazardous and polluting material storage areas. A copy of the facility site plans and its related utility system will be requested.
- b. The inspector will obtain and thoroughly review all maps of sanitary sewer and storm drains to determine critical information regarding all documented underground conveyance systems located on or near the property.



- c. The inspector will review the facility plans and inspect the site to determine the location of the best access points to the storm, sanitary and any process waste lines. All key information will be noted on a site plan for field use that will become an attachment to the Dry Weather Monitoring Form.
- d. A review of hazardous and polluting materials (if applicable), and related handling procedures may be requested by the inspector of the property owner and/or facility manager.
- e. All storm drains leaving the property will be field located by the inspector to determine manholes or catch basins that can be used as access points to monitor for the presence of an illicit discharge.
- f. The inspector may be able to determine the source of an illicit discharge through visual observation and/or odor detection of flow in the storm sewer at selected access points.
- g. The inspector may facilitate televised inspection of portions of storm sewers that look suspicious to identify pollutant sources that cannot be located through visual observation, (*i.e.* blind connections between manholes). The inspector may use tracing dye or other suitable tracking methods to isolate the source of an illicit discharge (proper authorization for the use of tracer dyes must be requested from the MDEQ in accordance with Rule 1097). In addition, water sampling may be performed to verify the presence of an illicit discharge. All of these methods can and will be used at the discretion of the inspecting staff and the owner of the illicit discharge. The inspector will contact the illicit discharge owner immediately to determine the best means for verification.
- h. If an intermittent discharge is detected and it is expected that the discharge will disappear before sampling or televising can be performed, the inspector will take as many pictures and notes as possible. A grab sample can be taken if the inspector has the appropriate materials and protective gear. This sample can be used as proof of discharge and further analyzed. Priority should be given to eliminating and finding the source of the illicit discharge or connection. However, in order to determine the source, the above mentioned methods may need to be used.

At a minimum, sampling parameters will include: pH, ammonia, surfactants, and temperature using the sampling methods as described in the proceeding section, *Procedure for Performing a Field Screening when Flow is Present*. All parameters will be measured against the MDEQ and EPA standards for water quality. Onsite conditions, including landuse and activities occurring on or near the facility, will be observed and assessed for potential sources of the illicit discharge.

- i. If sewage (bacterial) contamination is suspected either by smell or appearance, the Ottawa County Department of Public Health (OCDPH) will be contacted. The OCDPH will perform any necessary testing to confirm bacterial contamination. The owner will work with the OCDPH and/or Holland Board of Public Works as soon as possible to eliminate the bacterial

discharge. The Department of Public Health will follow the local and state regulations for public notification.

- j. If the inspector suspects that the discharge may cause a public health concern or has the potential to seriously affect water quality, the appropriate agency, such as the Ottawa County Department of Public Health or the Michigan Department of Environmental Quality Pollution Emergency Alert System (1-800-292-4706), will be contacted within 24 hours.
- k. Photographs will be taken by the inspector during the facility review and stored with the Dry Weather Monitoring Form as documentation of the conditions on site.
- l. If a suspected facility is inspected and no illicit connection was found at that time, the owner/operator will be notified in writing of such findings.

*Note: A private residence will be inspected using the standard operating procedure outlined above utilizing all available technical information.*

#### *4. Elimination of Illicit Discharges*

Once a facility based illicit connection/discharge has been identified and verified, the City of Holland will notify the property owner/responsible party pursuant to applicable rules, including Chapter 29 of the City's Code of Ordinances (Appendix B). A written notification of violation will be sent and the responsible party shall respond within 10 days and provide an explanation of the violation and a plan for correction (Sec 2-15a). An immediate stop work order is issued for illicit discharges into the City's MS4 (Sec 29-148). If the illicit discharge/connection is not addressed within 10 days of receiving written notification of violation, then the City can undertake necessary or advisable protective measures, the cost of which is the responsibility of the property owner/responsible party (Sec. 29-148, 29-149). The City can also suspend access to their MS4 for emergency illicit discharges or after detecting an illicit discharge (Sec 29-154). The City of Holland Community and Neighborhood Services can also pursue further administrative remedies to compel compliance with Chapter 29 (Sec 29-15). These include consent orders, show cause orders, compliance orders, cease and desist orders, administrative fines, and termination of permits (if applicable). Judicial remedies may also be sought if the discharge is not appropriately addressed through administrative remedies (Sec. 29-16). These include injunctive relief, civil fines and criminal prosecution. Supplemental enforcement remedies are outlined in the ordinance (Sec. 29-17 to Sec. 29-24). When fines are issued, a hearing is also scheduled in District Court. The judge or magistrate can impose additional fines or grant the City permission to correct the violation if the property owner or responsible party does not. Violations of Chapter 29 are considered a public nuisance and after two public hearings, City Council can authorize the City to make necessary repairs or corrections and bill the property owner/responsible party for the costs. A property lien will be issued for any unpaid bills. A schedule for the elimination of confirmed illicit connections or discharges will be developed between the City of Holland and the owner of the illicit connection. The schedule will be determined based on public health and water quality concerns. Any illicit

connections that may jeopardize either will be eliminated within a reasonable time period not to exceed 10 days. If the violator does not eliminate the illicit connection or discharge within 10 days, City Council or a judge can authorize the City to remove or abate the connection or discharge and bill all expenses to the responsible party. It is not expected that the City of Holland will discover so many illicit connections that any issue found cannot be resolved within a reasonable timeframe.

#### *5. Procedure for Responding to Illegal Dumping/Spills*

The City of Holland receives citizen complaints regarding illicit dumping or spills into the City's MS4 or waters of the state through the Community and Neighborhood Services Department. Staff receiving the call record the information and forward to the appropriate staff for follow up. A representative from the City will perform an initial site investigation to verify the nature of the complaint and determine the appropriate response. Observations will be documented, including photographs, if possible, and provided to the applicable agency for enforcement. If the responsible agency is the City, then an immediate cease and desist order will be issued to the responsible party and the process outlined in Chapter 29 and described in the previous section will be followed. Any sanitary system issues will be forwarded to the Holland Board of Public Works. If the dumping or spill occurred in a designated county drain, the Ottawa County Water Resources Commissioner's (OCWRC's) office will be contacted. If the complaint is regarding a construction site permitted under Part 91, the County Enforcing agency (OCWRC) will be contacted. The City of Holland will maintain copies of all documentation regarding complaints including information about enforcement and elimination or cleanup actions taken.

Chapter 29, Sec. 29-138 requires that the City be notified immediately of any accidental illicit discharge into a water body (MS4 or waters of the state). If the report is submitted orally, then a written report must be filed with the City within five (5) days. The report must include the substance released and the cause; the exact date, time and estimated volume; a description of measures taken to clean up the substance and proposed measures to prevent reoccurrence; and the contact information for the person making the report.

City of Holland staff shall notify the MDEQ immediately upon becoming aware of any release of polluting materials from the MS4 to ground or surface waters of the state that meet the threshold reporting quantities found in the Part 5 Rules (Appendix C). The MDEQ Grand Rapids District office (616-356-0500) will be contacted during working hours and the report will be submitted to the Pollution Emergency Alerting System (800-292-4706) outside of normal office hours.

#### *6. Training*

Training of field inspectors will be arranged by the City of Holland to provide the technical expertise and continuity necessary to inspect, identify, locate, and eliminate illicit discharges. At a minimum, training will include public relations, safety, inspection and/or investigative procedures, documentation requirements, and reporting procedures.

The Wayne County Illicit Detection and Elimination Video is one tool used for training all field inspectors. This video will be viewed by all potential inspectors prior to the inspection season. The Michigan Department of Environmental Quality (MDEQ) *Naturally Occurring Phenomena* brochures will be provided to all inspectors (Appendix D). Knowledge of these brochures will ensure that inspectors are aware of natural water quality issues that are frequently observed at discharge points and outfalls during inspections. These materials are available on the Macatawa Area Coordinating Council's (MACC's) website and will be incorporated into online training that is being developed by the MACC. The previous are examples of what type of materials the training may include. Other similar materials may be used as applicable.

Dry weather screening inspectors will be trained each year when screenings are scheduled prior to commencing inspections. At a minimum, training will require viewing the Wayne County video, reviewing the brochures and an overview of the monitoring form.

City of Holland staff responsible for overseeing the implementation of the IDEP, completing source investigations, overseeing the elimination of illicit connections, and responding to complaints, will be fully trained once during the storm water permit cycle within 1 year of the new permit being issued. Any new employees will be trained within 1 year of their hire. At a minimum, training will include techniques for identifying an illicit discharge or connection including field observation, field screening and source investigation; procedures for reporting, responding to and eliminating an illicit discharge or connection; and the proper enforcement response.

The MACC will ensure that the City of Holland's inspectors receive all IDEP updates and any necessary program requirements or changes. All inspectors should have a copy of the IDEP plan and the *Natural Occurring Phenomena* brochures, as well as be familiar with the plan and the goals of the program.

Some inspectors are not employees of the City of Holland but are contract inspectors who are trained specifically for inspecting discharge points and outfalls during dry weather. These inspectors will receive the majority of their training through their employers, but also obtain the IDEP goals and objectives specifically for the City of Holland.

### **C. Minimize Infiltration of Raw Sewage**

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The potential for seepage from sanitary sewers that are often located in the vicinity or parallel to storm drains will be investigated in the process of IDEP inspections in cooperation with the proper sanitary sewer authority. Sanitary sewer overflows will be addressed with the owner and/or perpetrator in accordance with the requirements of wastewater NPDES permitting. Problems identified with onsite sewage disposal systems will be coordinated with the Ottawa County Department of Public Health. Very few onsite sewage disposal systems exist in the City of Holland and current code (Chapter 29) does not allow new onsite sewage disposal systems to be installed within City limits.

Part of the IDEP includes reducing chemical and bacterial contamination in our surface waters. A continuing action is to minimize seepage from sanitary sewers and on-site sewage disposal systems. Dry weather screening will include identifying any suspected sources of human sewage. Some symptoms of sewage contamination may include growth of algae or other nuisance plants due to increased nutrients, the presence of sewage fungus and unpleasant odors. The use of ammonia test strips is one field screening method for the presence of sewage waste. The City of Holland will work with the Ottawa County Water Resources Commissioner's office and the Ottawa County Department of Public Health or Holland Board of Public Works, as applicable to the situation, to address any sanitary or septic seepage when detected. There have not been any historic or recent problems of sanitary or septic seepage into the City of Holland's MS4.

#### **D. Maintain a Records Management System**

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The City of Holland maintains hard copy and digital files to track the inventory and inspections of their storm sewer system, including discharge points, outfalls and dry weather screenings. The files contain all physical information about the storm sewer system, discharge points, outfalls, and dry weather screenings. Copies of the completed Dry Weather Monitoring Forms will be forwarded to the MACC upon completion for inclusion in the periodic status reports. The City of Holland also stores all construction plans and maps in either hard copy or digital formats. The City of Holland will also maintain documentation in their files to track progress of source investigations and removal of illicit connections or discharges as well as responses to illicit dumping and/or spills. Chapter 29, Sec. 29-155 of the City's Code of Ordinances specifies that the City will implement a method to track instances of non-compliance and enforcement action. Information to be recorded will include:

- Name of the person responsible for the violation
- Date and location of the violation
- Description of the violation, including how it was identified
- Description of the enforcement response
- Schedule for returning to compliance
- Date the violation was resolved

All monitoring information on file will be considered public information pursuant to the Freedom of Information Act.

#### **E. Plan Evaluation**

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City of Holland staff will be asked on an annual basis to review the progress and effectiveness of the various aspects of the IDEP plan. Specifically, the City of Holland will evaluate the effectiveness of using different detection methods, the number of discharges eliminated using different enforcement methods, water quality monitoring data to measure changes in the receiving water, and program efficiency and staff training frequency. City of Holland staff will provide the

input necessary to prepare a report summarizing the accomplishments and recommending improvements to the objectives stated in this plan. The report will outline the illicit connections and discharges found and eliminated. Any illicit discharges not eliminated at time of reporting will continue to be reported in the periodic progress report until elimination is successful. Also included will be estimated frequency of discharge and volume of discharge. A copy of this report will be on file and available upon request at the office of the Macatawa Area Coordinating Council, 301 Douglas Ave, Holland, Michigan, 49424.

Dry weather inspection of known discharge points and outfalls were performed during the first permit cycle 2003-2008 and again during the 2008-2013 cycle. No recurring problems were noted during these rounds of screenings. If any problems are discovered during future screenings, additional or increased screenings may be scheduled. Discharge points or outfalls that have had a confirmed significant illicit discharge will have data gathered for reporting in the annual report. Any confirmed significant illicit discharges will be documented and included with the periodic progress report. This data will include the pollutant(s) of concern (if sampling was performed), estimated volume and load discharges, the location that this discharge entered the OCRC's MS4 and the waters of the state (from map evaluation) and the current status of the discharge.

The main goal of the IDEP is to eliminate and prevent illicit connections and discharges into the City's MS4 and waters of the state. To evaluate the effectiveness of this plan and the program implementation, the City of Holland will evaluate annually what the program has accomplished or is lacking and adjustments will be made accordingly. This IDEP plan will be continuously implemented and developed. The Macatawa Watershed Storm Water Committee has made the commitment to meet quarterly and will discuss IDEP updates and changes as appropriate.

## **F. Ordinances and Enforcement Procedures**

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The Committee completed a review all of the existing legal authority and enforcement procedures to assure fulfillment of IDEP requirements (See Section V). The Committee will review the work of the IDEP inspectors to determine barriers to ensure inspection quality. If code or enforcement changes are needed, the Committee will prepare a written report of recommended adjustments and forward this report to the City of Holland for consideration. The City of Holland prohibits illicit discharge into natural waters under Chapter 29, Article VI, Stormwater, of its Code of Ordinances. Enforcement of this chapter is carried out by the Community and Neighborhood Services Department. The same Chapter also outlines enforcement procedures.

### III. Timeline

This new IDEP plan will be implemented immediately upon approval from the MDEQ Storm Water Program. Until this updated plan is approved, the previously approved 2005 plan will continue to be followed. This new IDEP will be effective until such time that a revision is deemed necessary and approved by the MDEQ Storm Water Program.

### IV. Definitions

**Discharge point:** any location where storm water from one owned system empties into another system

**Illicit discharge:** any discharge to, or seepage into, an MS4 that is not composed entirely of stormwater or uncontaminated groundwater except discharges pursuant to an NPDES permit

**Illicit connection:** a physical connection to an MS4 that primarily conveys non-storm water discharges other than uncontaminated groundwater; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections

**Outfall:** a type of discharge point that empties into a water of the state

**Significant illicit discharge:** a discharge that shows evidence of impairing water quality in the receiving water

## V. Summary of Current Ordinances

This section contains a discussion of current ordinances, codes, policies, and standard operating procedures, (hereafter referred to as rules). Portions of these rules are meant to be a summary only and not intended to be verbatim or to be inclusive of all rules or portions of rules applicable.

New rules and/or improvements to existing rules designed to eliminate illicit discharges in Ottawa County should be considered after a comprehensive review of the tools available in existing ordinances.

A review was conducted of the water quality related rules within the following:

- A. Ottawa County Environmental Health Regulations
- B. City of Holland Code of Ordinances
- C. City of Holland Stormwater Standards
- D. Drain Code of 1956 as amended
- E. Part 91, Soil Erosion and Sedimentation Control
- F. Environmental Laws of the State of Michigan
- G. Building department inspections

### **A. Ottawa County Environmental Health Regulations**

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The Ottawa County Environmental Health Regulations are the operating framework of the Ottawa County Department of Public Health (OCDPH). These regulations have an effective date of 11/22/96, as amended August 23, 2005. The regulations draw their authority from The Public Health Code of Michigan, Act 368, P.A. 1978 as amended.

Important illicit discharge components of these regulations include:

Article III, D. Enforcement – The Health Officer is authorized to conduct inspections of all premises, public or private, to assure compliance with the provisions of this regulation.

Article III, E. Right of Entry and Inspection – Health Officer's must be allowed access to inspect at reasonable times and no person may resist or harm the Health Officer in the performance of his job. The Health Office may request the assistance of the Ottawa County Sherriff Department or other police agency where an imminent danger or health hazard is believed to exist that requires immediate inspection and prior consent cannot be obtained.

Article VIII, G. Non-complying Sewage Disposal Systems – It shall be unlawful for any person to create a sewage related nuisance whereby sewage effluent or septage waste is exposed, discharged,



deposited, or drains on or to the surface of the ground, or is permitted to drain into any surface water, may contaminate a public or private ground water supply, or creates a hazard to public health and safety, an nuisance or degradation of the natural environment or be in direct violation of any section of this Regulation.

Article VIII, H. Discharge From Public or Private Drain of Unknown Origin – Whenever the Health Officer determines that sewage is flowing from the outlet of any public or private drain of unknown origin, he may issue public notices requiring persons owning premises from which such sewage originates, to connect to a municipal sewage disposal system if available, or otherwise comply with the provisions of this Regulation. After not less than ten days following posting of the notices, the Health Officer may plug the outlet until such time as the sources of the sewage have been located. Owners of properties known to be discharging sewage in a drain shall be given written notice of corrections required within a specified period of time and shall be responsible for bearing the costs of correction and plugging the outlets. Failure to comply shall be considered a violation of this Regulation.

Article XIII – Real Estate Evaluations – This article requires that Real Estate Transfer Evaluations occur prior to the sale or ownership transfer of any dwelling or habitable premise served by on-site water or on-site sewage disposal. Evaluations are conducted following the Ottawa County Department of Public Health’s Real Estate Transfer Evaluation Policy. The results of the evaluation are provided to the seller or a designated agent who are then responsible for proving the purchaser the complete evaluation as received by the Department of Public Health.

## **B. City of Holland Code of Ordinances**

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The City of Holland Code of Ordinances contains several items related to illicit discharges.

1. Chapter 29: Sewer Usage and Administration (See Appendix B)
  - a. **Sec. 29-7** prohibits discharge of sewage or other polluted waters in any natural outlet in the City of Holland. Exceptions include discharges from industrial waste facilities as permitted by the State of Michigan through an NDPES permit. Enforcement of this provision is through Community Services and Development.
  - b. **Sec. 29-28** prohibits private sewage disposal systems from discharging to a public sewer or natural outlet.
  - c. **Division 4, Prohibitions and Exemptions.** Prohibits illicit discharges and illicit connections to the City’s MS4. Establishes City’s authority to require pollution prevention measures. Includes a list of exempted discharges.
  - d. **Division 5, Sec. 29-138 Accidental discharges.** Requires immediate notification to the City including submission of a written report within 5 days if the report is given orally. Provides for information that must be included in the written report.

- e. **Division 6, Enforcement.** Provides for sanctions and other actions that the City can take to compel compliance with the Chapter. Includes requirements for the City to track enforcement.
- 2. Chapter 39: Zoning; Article II. Site Development Plan Review. **Sec. 39-25** requires that all building subject to site plan review shall be served by public sanitary sewer and water.

### **C. City of Holland Stormwater Standards**

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Through 2018, the City of Holland has been following both the Ottawa and Allegan County Development Standards and Specifications in respective portions of the City. However, the City Council adopted Stormwater Standards Manual in November 2018 that went into effect on February 1, 2019. The City's Stormwater Standards Manual closely mirrors the Development Rules of both Ottawa and Allegan County. The Counties have been working together collaboratively for several years to revise their Rules to maintain compliance with MS4 permit requirements. The City Stormwater Standards are referenced in Chapter 29 of their Code of Ordinances. The City Stormwater Standards establish criteria for site plan review, requirements for stormwater drainage and standards for water quality, channel protection and flood control.

### **D. Drain Code of 1956**

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The Drain Code of 1856, as amended, Public Act 40 of the State of Michigan, is primarily a water quantity document which relates to establishing drainage districts and construction and maintenance of drains. However, reference to illicit exists as follows:

**Section 280.423** (1) A person shall not continue to discharge or permit to be discharged into any county drain or intercounty drain of the state any sewage or waste matter capable of producing in the drain detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or capable of producing such pollution of the waters of the state receiving the flow from the drains as to injure livestock, destroy fish life, or be injurious to public health. This section does not prohibit the conveyance of sewage or other waste through drains or sewers that will not produce these injuries and that comply with section 3112 of part 31 (water resources protection) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.3112 of the Michigan Compiled Laws. (3) If the department of environmental quality determines that sewage or wastes carried by any county or intercounty drain constitutes unlawful discharge as prescribed by section 3109 or 3112 of part 31 of Act No. 451 of the Public Acts of 1994, being sections 324.3109 and 324.3112 of the Michigan Compiled Laws, that 1 or more users of the drain are responsible for the discharge of sewage or other wastes into the drain, and that the cleaning out of the drain or the construction of disposal plants, filtration beds, or other mechanical devices to purify the flow of the drain is necessary, the department of environmental quality may issue to the drain commissioner an order of determination identifying such users and pollutants, under section 3112 of Act No. 451 of the Public Acts of 1994, being section 324.3112 of the Michigan Compiled Laws. The order of determination constitutes a petition calling for the construction of disposal facilities or other appropriate measures by which the unlawful discharge

may be abated or purified. The order of determination serving as a petition is in lieu of the determination of necessity by a drainage board pursuant to chapter 20 or 21 or section 122 or 192 or a determination of necessity by a board of determination pursuant to section 72 or 191, whichever is applicable. A copy of the findings of the department shall be attached to the order of determination which shall require no other signature than that of the director of the department of environmental quality. Upon receipt of the order of determination, the drain commissioner or the drainage board shall proceed as provided in this act to locate, establish, and construct a drain. If the responsible users of the drain are determined to be public corporations in the drainage district, the drain commissioner or the drainage board shall proceed as provided in chapters 20 and 21, as may be appropriate, using the order of determination as the final order of determination of the drainage board. If the responsible users are determined to be private persons, the drain commissioner shall proceed as provided in chapters 8 and 9, using the order of determination as the first order of determination.

### **E. Part 91, Soil Erosion and Sedimentation Control**

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Soil Erosion and Sedimentation Control is administered under Part 91 of the Natural Resources and Environmental Protection Act, 1994 MI PA 451 as amended by 2000 PA 504. This statute addresses soil erosion and sediment control at construction projects involving an earth change of 1 acre in size or within 500' of a lake or stream. In Ottawa County, this law is administered by the Ottawa County Water Resources Commissioner's office and in Allegan County it is administered by the Allegan County Health Department. This statute provides a mechanism to address sediment, a pollutant type discharge, into the Ottawa and Allegan County drainage systems. Both county ordinances require that a permit be obtained for earth change activities that disturb one or more acres of land, or are location within 500' of Waters of the State or within 500' of a storm drain inlet. The ordinance requires the development and approval of a soil erosion and sedimentation control plan to ensure that sediment is not discharges into an MS4 or Waters of the State. The Ordinance grants authority to a Soil Erosion Control Agent of the Ottawa County Water Resources Commissioner's Office and Allegan County Health Department to conduct enforcement activities in their respective jurisdictions for violations of the permit conditions.

### **F. Michigan Department of Environmental Quality**

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Michigan Department of Environmental Quality (MDEQ) reacts to hazardous spills per Part 31 of Public Act 451 of the State of Michigan and is notified as part of the local Standard Emergency Operating Procedures, (see preceding paragraph). The MDEQ telephone number for pollution emergencies is 1-800-292-4706. MDEQ also maintains a quick response Environmental Assistance Center, telephone number 1-800-662-9278.

## **G. Building Department Inspections**

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Units of government in the Macatawa Watershed have building departments with active inspection programs. New construction is inspected to assure that unlawful sewer connections, for example to a municipal storm drain, do not occur.

## **H. Rules Summary**

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An Illicit Discharge Elimination Plan should utilize rules already in existence pertinent to detection, and elimination of an illicit discharge. The existing rules of the public entities within the City of Holland provide a framework for both detection and elimination of illicit discharges. This framework will need to be evaluated and enhanced as part of the Illicit Discharge Elimination Program Plan. The greatest strength of existing rules resides in the elimination of illicit sanitary sewage type discharges, however other types of illicit discharges referred to as waste, wash water, effluent, and hazardous liquid material are referenced. Existing rules provide for health officer/inspector access and inspection upon private property and specify a method of terminating as well as addressing cost and liability issues associated with an illicit sanitary sewage type discharge. A weakness is that chance discovery of an illicit is generally relied upon rather than a program of regular inspections (except in the case of Ottawa County's Real Estate Evaluation Program). A program of regular public storm drainage discharge point and outfall inspections will be addressed in the City of Holland's Illicit Discharge Elimination Program Plan. A general weakness of existing rules addressing illicit discharges is that these rules primarily pertain to sanitary sewage type illicit discharges. New rules may be needed to address elimination of certain illicit discharges. Rule existence and consistency throughout the watershed should be reviewed. Inspection of public storm drainage discharge points and outfalls in the City of Holland will focus on all types of illicit discharges. Departments of public entities providing an existing framework for illicit detection and elimination will need to be updated concerning their role, pursuant to their rules, in the implementation of the Illicit Discharge Elimination Program Plan for the City of Holland.

## **VI. Resources**

Ammonia test strips (25 for \$24.79, April 2019): <http://www.hach.com/ammonia-nitrogen-test-strips-0-6-0-mg-l/product?id=7640211610>

pH test strips (100 for \$26.39, April 2019): <http://www.hach.com/ph-paper-0-14-ph-range-100-pk/product?id=7640233621&callback=qs>

Wayne County IDEP Training Video: <https://www.youtube.com/watch?v=qRljMX4eaS8>

**APPENDIX A**

**DRY WEATHER MONITORING FORM**

# DRY WEATHER MS4 MONITORING FORM

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Person Completing Form: \_\_\_\_\_

Current Weather Conditions: \_\_\_\_\_ Date of last rain: \_\_\_\_\_

Outfall #/Name: \_\_\_\_\_ Latitude/Longitude: \_\_\_\_\_

Receiving water body: \_\_\_\_\_

Outfall diameter: \_\_\_\_\_ Material or type: \_\_\_\_\_ Condition: \_\_\_\_\_

### Flow observation (check one):

Water flowing – Depth: \_\_\_\_\_

Standing water, no flow – Depth: \_\_\_\_\_

Trace, too little to quantify

Dry, no water present (*skip to Odor Assessment*)

### Chemical Assessment – *complete if flowing or standing water is present*

pH: \_\_\_\_\_ NH<sub>4</sub>: \_\_\_\_\_ Water Temp: \_\_\_\_\_ °F Surfactants? YES NO

### Color Assessment – *complete if flowing or standing water is present, check one*

Clear

Milky (grey)

Muddy (brown)

Black

Green

Other/Comment: \_\_\_\_\_

### Turbidity Assessment – *complete if flowing or standing water is present, check one*

Clear

Low

Moderate

High

### Odor Assessment – *for all flow conditions, check all that apply*

No odor

Musty

Sewage

Rotten egg

Gas/oil

Fishy

Chlorine

Other: \_\_\_\_\_

### Other Observations – *for all flow conditions, check all that apply*

#### Floatables

None

Trash

Sewage

Foam

Oil

Other: \_\_\_\_\_

#### Deposits/Stain

None

Mineral

Sediment

Oil/Grease

Other: \_\_\_\_\_

#### Vegetation

None

Normal

Excessive

Other: \_\_\_\_\_

#### Biology

None

Algae

Slime

Bacterial Sheen

#### Erosion

None

Low

Moderate

Severe (attach photo)

### Comments:

Copies provided to:

MACC

File

Follow up needed

Map attached (if necessary)

Photos attached (if necessary)

Inspector's signature:

**APPENDIX B**

**CITY OF HOLLAND CODE OF ORDINANCES CHAPTER 29: SEWER  
USAGE AND ADMINISTRATION**





City of Holland, MI  
Wednesday, April 3, 2019

## Chapter 29. Sewer Usage and Administration

### ARTICLE I. In General

#### Sec. 29-1. Rules applying to text.

[Ord. No. 1323, 12-5-2001;<sup>[1]</sup> Ord. No. 1516, 9-3-2008]

The following rules of construction shall apply to the text of this chapter.

- (a) The particular shall control the general.
- (b) Except with respect to the definitions which follow in Section **29-3**, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this chapter or as enlarging or restricting the terms and provisions of this chapter in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary:
  - (1) Words used in the present tense shall include the future tense;
  - (2) Words used in the singular number shall include the plural number; and
  - (3) Words used in the plural number shall include the singular number.
- (e) Words imparting masculine gender shall apply to feminine and also to firms, companies, associations, partnerships, joint ventures, corporations, joint stock companies, trusts, estates, governmental entities and any other legal entities or any combination thereof.

[1] *Editor's Note: This ordinance also amended and reinstated Ch. 29 in its entirety. Former Ch. 29 was adopted 5-3-1995 by Ord. No. 1143, as amended 5-1-1996 by Ord. No. 1170; 3-24-1999 by Ord. No. 1247; 10-3-2001 by Ord. No. 1317; and 11-7-2001 by Ord. No. 1322.*

#### Sec. 29-2. Abbreviations.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing and Materials
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
U.S. EPA	United States Environmental Protection Agency
l	Liter

mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
TSS	Total suspended solids
USC	United States Code
WEF	Water Environment Federation

## Sec. 29-3. Definitions.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

For the purpose of their use in this chapter, the following terms and phrases are hereinafter defined. Any word or phrase not defined herein shall be considered to be defined in accordance with its common or standard definition.

### **40 CFR 403**

The general pretreatment regulations outlined at 40 Code of Federal Regulations Part 403.

### **ACT or THE ACT**

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

### **ADMINISTRATIVE COMMITTEE**

The committee established pursuant to the "contract."

### **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER**

- (a) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function;
- (b) In the case of a partnership or proprietorship, a general partner or proprietor; and
- (c) An authorized representative of the individual designated above if:
  - (1) Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;
  - (2) The authorization is in writing; and
  - (3) The written authorization is submitted to the control authority.

### **BEST MANAGEMENT PRACTICES (BMPS)**

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section **29-49** of this chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

### **BOD (denoting BIOCHEMICAL OXYGEN DEMAND)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C. (without addition of nitrification inhibitors).

### **BPW**

The Board of Public Works of the City of Holland, its authorized deputy, agent, or representative.

**BTEX**

The sum of the concentration of benzene, toluene, ethylbenzene and xylene.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

**BUILDING SEWER**

The extension of the building drain which begins five feet outside the inner face of the building wall and continues to the sanitary sewer or other place of disposal.

**BYPASS**

The intentional diversion of waste streams from any portion of an industrial user's treatment facility as outlined in 40 CFR 403.17.

**CESSPOOL**

An underground pit into which household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

**CITY**

The City of Holland, acting by and through its Holland Board of Public Works unless the context of the term refers to the City of Holland as a separate entity.

**COD (denoting CHEMICAL OXYGEN DEMAND)**

The amount of oxygen required to chemically oxidize organic and inorganic constituents of wastewater as measured under standard laboratory procedures.

**COD/BOD RATIO**

The ratio of COD to BOD in the plant influent calculated using the average COD and BOD data as found on the state plant influent sheet.

**COMBINED WASTE STREAM**

The waste stream at industrial facilities where effluent from one regulated process is mixed, prior to treatment, with wastewaters other than those generated by that regulated process. Where required by federal or state law, the combined waste stream formula provided in 40 CFR 403 will apply to limits applicable to a combined waste stream.

**COMPOSITE SAMPLE**

A series of representative samples taken over a specific time period which are then combined into one sample for testing purposes.

**CONTRACT**

The Holland Area Wastewater Treatment Facilities Operation Contract dated as of April 1, 1980, or any subsequent pact or amendment made thereto.

**CONTROL AUTHORITY**

The City of Holland, acting through its Board of Public Works or their authorized representatives.

**DAILY MAXIMUM CONCENTRATION**

The maximum concentration of a pollutant in any individual sample during that day.

**DAILY MINIMUM CONCENTRATION**

The minimum concentration of a pollutant in any individual sample during that day.

**DEBT RETIREMENT CHARGE**

The charge levied to users for retirement of bonded indebtedness for the POTW.

**DEQ**

The Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.

**DISCHARGE**

Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

**DOMESTIC USER**

All users of the POTW where the discharge into the system is primarily domestic waste.

**DOMESTIC WASTE**

A water-carried waste from, but not limited to, toilet, kitchen, laundry, bathing, or other facilities used for household purposes.

**ENFORCING OFFICER**

The general manager of the Holland Board of Public Works, or an authorized deputy, agent, or representative, unless stated differently in this section.

**GARBAGE**

Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

**INDUSTRIAL USER (IU)**

Any person who introduces pollutants into a POTW from any nondomestic source regulated under the Act, state law, or local ordinance.

**INDUSTRIAL PROCESS**

Those processes which generate the types of wastes as enumerated in Section **29-49**.

**INDUSTRIAL WASTES**

The liquid or liquid borne wastes from industrial or manufacturing processes, trade or business as distinct from domestic waste.

**INSTANTANEOUS LIMIT**

The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERCEPTOR DEVICE**

A device, including but not limited to, grease traps, sand traps, oil separators, etc., designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or wastewater to discharge into the disposal terminal by gravity. In case of acid or caustic wastes, an interceptor is a device in which the wastes are neutralized prior to their discharge into the solid or waste system of the premises, the building drain, the building sewer, private sewer, or public sewer.

**INTERFERENCE**

Any discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW and any of its process or operations, or its sludge use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal.

**MINOR INDUSTRIAL USER (MIU)**

A nondomestic user designated as such by the control authority, which the control authority has determined does not meet the definition of a significant industrial user. The control authority may issue a minor industrial user a wastewater discharge permit and require the user to conduct periodic monitoring and reporting, as deemed appropriate.

**MONTHLY AVERAGE CONCENTRATION**

The sum of the concentrations of the subject pollutant in all of the individual samples divided by the number of samples analyzed for that pollutant during a calendar month. If the pollutant concentration in any sample is less than the limit of detection, regard that value as zero when calculating monthly average concentration.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL PRETREATMENT STANDARD**

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of industrial users.

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**NEW SOURCE**

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

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that caused the discharge of pollutants at an existing source; or
- (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or
- (d) As defined in 40 CFR 403.3(k)(2) and (k)(3).

**NONDOMESTIC USER**

Any user, including significant industrial users, of the POTW that discharges wastes other than or in addition to water-carried domestic wastes.

**NONDOMESTIC WASTE**

All water-carried wastes other than domestic wastes.

**NPDES or STATE DISCHARGE PERMIT**

A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

**NUISANCE**

Any condition or circumstance defined as a nuisance pursuant to Michigan Statute, at common law or in equity jurisprudence which includes, but is not limited to, any condition where sewage, industrial waste, or the effluent from any sewage disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground into any ditch, storm sewer, lake or streams, or when the odor, appearance, or presence of this material has an

obnoxious or detrimental effect on or to the senses or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property, except as otherwise permitted.

### **OPERATION MAINTENANCE AND REPLACEMENT**

All work and activities including, but not limited to, engineering, contract preparation, purchasing, repair, supervision, recruitment, training, expediting, inspection, accounting, testing, protection, operating management, and maintenance necessary to provide adequate wastewater treatment and/or collection and/or disposal of treatment residues on a continuing basis to conform with all applicable federal, state, and local wastewater management requirements and to assure optimum long-term management of the complete wastewater treatment system.

### **PASS-THROUGH**

A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

### **PERSON**

Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agent or assigns.

### **pH**

The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

### **PLANT**

The Holland Area Wastewater Treatment Plant, as improved and enlarged pursuant to the contract dated as of February 1, 1978, between Ottawa County, Park Township, Holland Township, and Holland City and a contract dated as of June 13, 1978, between Allegan County, Fillmore Township, Laketown Township, and Holland City and as further improved and enlarged pursuant to a contract dated as of June 1, 1994, between Ottawa County, Holland City, Holland Township, Park Township, Laketown Township, Fillmore Township, and Zeeland Township, and as it may be further improved and enlarged.

### **POINT SOURCE**

Any discernible confined and discrete conveyance or vessel from which pollutants are or may be discharged into a public waterway or public sewer system.

### **POLLUTANT**

Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.

### **PRETREATMENT or TREATMENT**

The reduction, elimination, or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).

### **PRETREATMENT STANDARD or STANDARD**

Any local, state or federal regulation containing pollutant discharge limits. This term includes local limits, prohibitive discharge limits including those promulgated under 40 CFR 403.5, and categorical pretreatment standards.

### **PUBLICLY OWNED TREATMENT WORKS (POTW)**

The treatment works as defined by Section 212 of the Act including any devices and systems used in the monitoring, testing, storage, treatment, recycling, and reclamation of municipal sewage and industrial waste which are connected to or part of the Holland Area Wastewater Treatment Plant.

The systems include sewers, pipes, and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

**PUBLIC SEWER**

A sewer which is owned and/or controlled by any governmental entity which is a participant in the plant.

**RECURRING OFFENSE**

Two or more consecutive monitoring periods evidencing violations or a pattern of noncompliance.

**REPLACEMENT COSTS**

Those expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works are designed and constructed.

**RESIDENTIAL USER**

All noncommercial premises used only for human residency and which are connected to the POTW.

**SANITARY SEWER**

A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEEPAGE PIT (or DRY WELL)**

A cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.

**SEPTIC TANK**

A watertight receptacle receiving sewage and having an inlet and outlet so designed to permit the separation of suspended solids from wastes and to permit such retained solids to undergo decomposition therein.

**SEVERE PROPERTY DAMAGE**

Substantial physical damage or property damage to the POTW which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**SEWAGE**

The water-carried wastes from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.

**SEWAGE DISPOSAL SYSTEM**

A privy, cesspool, seepage pit, septic tank, subsurface disposal system, or other devices, used in the disposal of sewage or human excreta, except treatment facilities covered by an NPDES permit.

**SEWER**

A pipe or conduit for carrying sewage.

**SIGNIFICANT INDUSTRIAL USER (SIU)**

(a) Except as provided in Paragraph (b) of the definition, the term significant industrial user means:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].
- (b) Upon a finding that an industrial user meeting the criteria in Paragraph (a) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority [as defined in 40 CFR 403.12(a)] may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

### **SIGNIFICANT NONCOMPLIANCE (SNC)**

Significant noncompliance has occurred in the event of any one or more of following have occurred:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including an instantaneous limit as defined in Section **29-3**;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including an instantaneous limit, as defined in Section **29-3** multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment effluent limit (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (e) 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;
- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Significant noncompliance for pH means:
- (1) Any discharge whose pH is less than or equal to two or greater than or equal to 12.5 standard units.
- (2) Those discharges in which 25% or more of all of the measurements taken during a six-month period are outside of the applicable limits for pH.
- (i) Any other violation or group of violations, which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.



**SLUG DISCHARGE**

Any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

**STATE**

The State of Michigan.

**STORM DRAIN or STORM SEWER**

Any portion of the stormwater drainage system, including any natural outlet, which carries storm and surface waters and drainage or unpolluted industrial process water, such as permitted by Section **29-7(b)**.

**SUBSURFACE DISPOSAL FIELD**

A facility for the distribution of septic tank overflow or effluent below the ground surface through a line or a series of branch lines of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.

**SUPERINTENDENT**

The Superintendent of the Holland Area Wastewater Treatment Plant or the Superintendent's authorized representative.

**TOTAL SUSPENDED SOLIDS (TSS)**

Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids.

**TOXIC POLLUTANT**

Any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other federal statutes or in regulations promulgated by the state under state law.

**UNPOLLUTED PROCESS WATERS**

Any noncontact cooling or noncontact processing water that is not chemically changed by its use for cooling or processing, or water free of substances that are or may be harmful to humans or wildlife or that may create or constitute a nuisance.

**UPSET**

An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation and as further defined in 40 CFR 403.16.

**USER**

Any person who contributes, causes or permits the contribution of sewage into a public sewer.

**USER CHARGE**

A charge levied on the users of a treatment works for the costs of operation, maintenance and replacement of the treatment works pursuant to 33 U.S.C. 1284(b)(1), as amended.

**WASTEWATER**

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions and other facilities, whether treated or untreated.

**WATERCOURSE**

A channel, natural or artificial, in which a flow of water occurs either continuously or intermittently.

**WATERS OF THE STATE**

Includes:

- (a) Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sewage; and
- (b) The floodplain free-flowing waters determined by the DEQ on the basis of one-hundred-year flood frequency; and
- (c) Any other waters specified by state law.

## Sec. 29-4. Compliance with chapter, state law, etc.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

No person shall establish, replace or alter any connections with any public sewer, or cause the same to be done, unless he shall comply with the provisions of this chapter, the laws of the state, and all other lawful regulations.

## Sec. 29-5. Damage to or tampering with sewage system; prohibited.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

No person shall maliciously, willfully, or negligently break, damage, destroy, deface, or tamper with any structure, appurtenances, or equipment which is part of the POTW.

## Sec. 29-6. Unlawful disposal of wastes.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) No person shall dispose of wastes in such a manner, or permit the facilities or fixtures thereof to be in such condition, as shall be dangerous to public health.
- (b) It shall be unlawful for any person to place, deposit or permit to be deposited in any manner upon public or private property within the City of Holland, or in any area under its jurisdiction, any human or animal excrement, garbage, or any substances that possess the characteristics described in Section **29-49** which constitute a nuisance unless specifically permitted by law, or which may constitute a hazard to the public health.
- (c) It shall be unlawful for any person to discharge any waste into the POTW through a connection that has not been authorized pursuant to this chapter or directly into a public sewer without authorization.

## Sec. 29-7. Discharge into storm drain or natural drain prohibited; exception.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) It shall be unlawful to discharge to any natural outlet within the City of Holland, or in any area under its jurisdiction, any sewage or other polluted waters, except for those facilities described below.
- (b) Any industrial waste disposal facility operating with a state-approved National Pollutant Discharge Elimination System (NPDES) permit shall be exempt from the prohibition of this section, and shall be subject to the following:

- (1) If a temporary excess of any of the parameters listed in the NPDES permit is anticipated, Community Services and Development shall be informed immediately, and a written report shall follow that contains a description of the excess, the reasons for its occurrence, and a description of the corrective measures being taken and to be instituted. Such reporting is in no way in lieu of other spill reporting requirements that are the responsibility of the NPDES permit holder.
  - (2) The industry shall allow EH&I access to its property at reasonable times and under reasonable circumstances for the purpose of taking samples of the discharge from the facility. Any industry that discharges into the storm sewer system shall provide sampling manholes or appropriate access that is approved by Community Services and Development.
- (c) The enforcing officer of this section is the Director of the Community Services and Development Department of the City or an authorized deputy, agent or representative.

## Sec. 29-8. Connection to public sewer required; exception.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

No person shall maintain any building having a sewage discharge on any premises where the public sewer is located on a street, alley, or right-of-way abutting such premises that lies within any sanitary sewer district unless that building is connected to the public sewer.

- (a) Such connection shall be made in accordance with this chapter and applicable specifications provided by the BPW.
- (b) Any structure in which sewage originates within the City shall be connected to any available public sewer within 18 months after publication of a legal notice of availability of a public sewer in a newspaper of general circulation in the City. For purposes of this section, a public sewer shall be considered to be available when it is located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property in question and passes not more than 200 feet at the nearest point from the structure in which the sewage originates. For purposes of this section, the phrase "structure in which sewage originates" shall mean a building in which toilet, kitchen, laundry, bathing, or other facilities that generate sewage are used or are available for use for household, commercial, industrial or other purposes. If the structure in which sewage originates has not been connected to an available sanitary sewer within said eighteen-month period, then the City shall require the connection to be made in accordance with Section 12754 of the Michigan Public Health Code, as amended,<sup>[1]</sup> or any similar successor statutory provision. In so proceeding, the City shall have the rights and remedies provided in Section 12754, as well as all rights and remedies provided by this chapter.  
*[1] Editor's Note: See MCLA § 333.12754.*
- (c) Such connection shall be used in accordance with the provisions of this chapter.
- (d) It is unlawful to construct, replace, repair, renovate, extend, or expand any septic tank system or other sewage disposal system for any house, building, property, or other purpose on any premises where the public sewer is located on a street, alley, or right-of-way abutting such premises that lies within any sanitary sewer district.
- (e) Any industrial waste disposal facility operating with a state-approved National Pollutant Discharge Elimination System (NPDES) permit shall be exempt from the prohibition of this section.
- (f) The enforcing officer of this section is the Director of the Community Services and Development or an authorized deputy, agent or representative.

## Sec. 29-9. Determination of unsanitary conditions; notice.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Whenever the Council of the City of Holland, acting as a Board of Health, determines that any waste conveyance or system is dangerous to the public health, the Council may order improvements to abate the danger and specify the time within such improvements shall be made.

- (a) Waste conveyances and systems include, but are not limited to: sanitary plumbing, toilet, or other fixture or facility for sanitary use or for the disposal of waste, including any connection thereof to a public sewer.
- (b) The abatement order shall be conducted in accordance with the provisions of Section 15.17 of the Charter of the City of Holland, and shall include a statement of the opinion of Board of Health regarding what aspects of the waste conveyance or system are unsanitary and dangerous to the public health.

## Sec. 29-10. Rates.

[Ord. No. 1323, 12-5-2001; amended Ord. No. 1516, 9-3-2008; 12-3-2014 by Ord. No. 1643]

The City Council of the City shall establish rates for the use of, and the connection to, the public sewer. All users of the POTW shall be required to pay their proportionate use of the POTW in terms of volumetric and pollutant loadings. User charges shall be levied to defray the operation, maintenance, replacement, and debt retirement costs of the POTW.

- (a) Water meters are required for residential users who are connected to the public water supply system in accordance with the City of Holland Water Use Ordinance. Bills for wastewater service for residential users connected to the public water supply system shall be calculated as follows:
  - (1) Base period. The actual usage shall be billed for the consumption months of December through April.
  - (2) Other months. Customers are billed for an average monthly usage from the base period usage. Either the average monthly usage or the actual usage, whichever is lower, will be applied to the bills.
- (b) Bills for nonresidential users connected to the public water supply shall be based on actual metered flow. At a user's option and cost, and with the approval of the BPW, additional metering may be installed to meter water not discharged to the POTW, i.e., sprinkling, cooling water, etc.
- (c) Nonresidential users have the option, at the customer's expense, to install an approved flowmeter on their sanitary sewer service. The customer must use a type of flowmeter approved by the BPW and must install and maintain it according to manufacturer's specifications to ensure the proper registering of all water being discharged to the sanitary sewer. The customer shall be responsible for all maintenance and calibration of the flowmeter device at the customer's expense. The wastewater service bill will then be calculated based upon the reading of the sewage flowmeter. The installation of the flowmeter shall be inspected by the BPW prior to use to ensure proper installation and accurate measurement. The customer must submit maintenance records of the flowmeter on an annual basis as evidence of proper maintenance. If records are not submitted on an annual basis, the customer shall be billed for sewer charges based on water meter measurement until such evidence of regular maintenance is submitted.
- (d) Residential users who do not have access to a public water supply will be given the option of:
  - (1) Paying a flat rate as established by the City Council of the City; or
  - (2) Using a meter to measure water use through the well supply and paying actual usage. Users who choose to use meters on well supplies shall be responsible for all maintenance and installation costs for the meter. A failure to perform within 30 days' notice any maintenance required for the meter to function accurately shall automatically cause the user's account to

convert to the flat rate system, which will become effective in the month during which the user was notified of the need for meter maintenance.

- (e) Nonresidential users who do not have access to a public water supply may not choose the flat rate option. Nonresidential users must install metering devices (as approved by the BPW) to measure the quantity of wastewater discharged to the sewage system.
- (f) Each user who discharges compatible wastewater pollutants in strengths that exceed maximum allowable concentrations as defined in Section **29-51** shall pay appropriate surcharges for the treatment of those excess waste strengths. Such surcharge rates shall be established by the City Council of the City.
- (g) Nondomestic users exceeding levels established in Section **29-50** must obtain special discharge allocations for certain pollutants in accordance with Article **V** (Section **29-47** et seq.); such users shall pay a rate for that allocation that includes a calculation for reserved physical plant capacity.
- (h) All industrial users having monitored discharges shall pay a monthly charge for the operation of the POTW pretreatment program pursuant to Section **29-11** as shall be established by City Council of the City.
- (i) The City shall reserve the right to adjust user charges based upon an audit review of costs. Such an audit review shall be conducted annually by the City.

## Sec. 29-11. Adoption of fees and charges.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The City may adopt charges and fees by resolution which may include:

- (a) Fees for reimbursement of costs of setting up and operating the industrial pretreatment program;
- (b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the IU;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications including the cost of processing such applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal;
- (g) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the City.

## ARTICLE II. Violations—Penalties, Sanctions and Remedies

### Sec. 29-12. Violations—nuisance per se.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Every violation of the provisions of this chapter and every failure to comply with any notice given under authority of this chapter shall constitute a nuisance per se.

### Sec. 29-13. Municipal civil infraction.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008; 1-17-2018 by Ord. No. 1719]

Except for a violation which is specifically designated in this chapter as a misdemeanor violation, a person who violates or fails to comply with the provisions of this chapter or any of the sections or subsections within this chapter is responsible for a municipal civil infraction and subject to the civil fines set forth below and any other relief that may be imposed by the court. Each act of violation and each day upon which such violation occurs shall constitute a separate violation. For this chapter, the schedule of civil fines for municipal civil infractions and recurring offenses is as follows:

<b>Schedule of Fines</b>						
<b>Violation Type</b>	<b>Nature of Violation</b>	<b>Sections</b>	<b>First Offense Fine</b>	<b>Second Offense Fine</b>	<b>Third Offense Fine</b>	<b>Period for Recurring Offense</b>
				See Note 1		
General	Sewage system tampered with or damaged	29-5	\$100	\$250	\$500	1 year
	Unlawful disposal of waste	29-6	\$500	N/A	N/A	N/A
	Discharge into storm drain or natural drain	29-7	\$500	N/A	N/A	N/A
	Failure to connect to public sewer	29-8	\$100	N/A	N/A	N/A
	Unsanitary conditions exist	29-9	\$100	\$250	\$500	1 year
Private sewage disposal	Failure to obtain private sewage system permit	29-26	\$100	\$250	\$500	1 year
	Failure to have private sewage system inspected	29-27	\$100	\$250	\$500	1 year
	Discharge of private septic system into public sewage system	29-28	\$100	N/A	N/A	N/A

## Schedule of Fines

Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
Building sewers and connections	Failure to operate private disposal system in a sanitary manner	29-30	\$100	\$250	\$500	1 year
	Discharge of prohibited waste	29-31	\$100	\$250	\$500	1 year
	Failure to obtain sanitary sewer connection permit	29-34	\$100	\$250	\$500	1 year
	Opening or connecting with public sewer without permission	29-35	\$100	\$250	\$500	1 year
	Failure to install interceptor device	29-42	\$100	N/A	N/A	N/A
	Discharge of wastes not containing sewage	29-43	\$0	\$100	\$500	1 year
	Failure to disconnect roof drain after notification	29-43	\$500	N/A	N/A	N/A
	Failure to have building sewer connection inspected	29-45	\$100	\$250	\$500	1 year

## Schedule of Fines

Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
				See Notes 1 and 2		

## Schedule of Fines

Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
Pretreatment discharge violation	Unpermitted discharge; no permit was obtained	29-49 and 29-68	\$500	\$1,000	\$2,000	1 year
	Any discharge that causes pass-through or interference (See Note 4)	29-49	N/A	N/A	\$1,000	1 year
	Any discharge that causes pass-through or interference (2nd time) (See Note 4)	29-49	N/A	N/A	\$2,000	1 year
	Any discharge that causes pass-through or interference (3rd or more) (See Note 4)	29-49	N/A	N/A	\$5,000	1 year
	Any discharge that endangers human health or the environment or has caused the POTW to exercise its emergency authority	29-15(g)	N/A	N/A	\$10,000	1 year
	Failure to meet compliance date by 30 days		\$0	N/A	N/A	1 year
	Failure to meet compliance date by 60 days		\$250	N/A	N/A	1 year



## Schedule of Fines

Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
	Failure to meet compliance date by 90 days		N/A	N/A	\$500	1 year
	Failure to accurately report noncompliance (1st time)	29-55	N/A	N/A	\$0	N/A
	Failure to accurately report noncompliance (2nd time)	29-55	N/A	N/A	\$500	N/A
	Failure to accurately report noncompliance (3rd time)	29-55	N/A	N/A	\$1,000	N/A
	Failure to properly operate and maintain pretreatment facility	29-52	\$0	\$500	\$1,000	1 year
	Waste stream is diluted in lieu of treatment	29-53	\$500	\$1,000	\$2,000	1 year
	Discharge of waste that causes obstruction	29-49	\$0	\$100	\$500	1 year
Pretreatment recordkeeping violation	Failure to develop spill prevention and slug control plans	29-54	\$100	\$0	\$0	1 year
	Copies of records denied	29-57	\$0	\$500	\$1,000	1 year
Pretreatment reporting violation	Failure to provide reports within 30 days	Ch. 29, Article V, Division 4	N/A	N/A	\$500	1 year

## Schedule of Fines

Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
	Failure to report spill or changed discharge (no harm)	29-55	\$0	\$500	\$1,000	1 year
	Failure to report spill or changed discharge (harm)	29-55	\$500	\$1,000	\$2,000	1 year
	Incomplete or missing records or reports	29-57	\$0	\$0	\$500	1 year
	Failure to report additional monitoring	29-80.4	\$0	\$100	\$500	1 year
	Failure to notify of bypass	29-75	\$100	\$500	\$1,000	1 year
Pretreatment monitoring violations	Failure to monitor all pollutants according to permit	29-80.4	\$0	\$100	\$500	1 year
	Failure to install monitoring equipment	29-74	\$0	\$100	\$500	1 year
	Sampling at incorrect location	29-80.4	\$0	\$100	\$500	1 year
	Sampling using incorrect sampling type	29-80.4	\$0	\$100	\$500	1 year
	Sampling using incorrect sample collection techniques	29-80.4	\$0	\$100	\$500	1 year
	Failure to use proper analytical requirements	29-80.4	\$0	\$100	\$500	1 year

**Schedule of Fines**

<b>Violation Type</b>	<b>Nature of Violation</b>	<b>Sections</b>	<b>First Offense Fine</b>	<b>Second Offense Fine</b>	<b>Third Offense Fine</b>	<b>Period for Recurring Offense</b>
Other pretreatment violations	Failure to post POTW phone number in facility	29-56	\$0	\$100	\$500	1 year
	Failure to train employees in emergency notification procedures	29-56	\$0	\$100	\$500	1 year
	Entry for site visit denied or consent withdrawn	29-56	\$0	\$500	\$1,000	1 year
	Failure to meet compliance deadlines for existing or new source	29-61	\$500	\$1,000	\$2,000	1 year
Other	Any other violation of Chapter 29		\$100	\$250	\$500	1 year

<b>Violation Type</b>	<b>Nature of Violation</b>	<b>Sections</b>	<b>Isolated</b>	<b>Significant</b>	<b>Period for Recurring Offense</b>
			See Notes 1 and 2		
Pretreatment discharge violation	Violation of discharge limit	29-49	\$0	\$500	1 year
	Violation of applicable Technical Review Criteria (TRC) (See Notes 3 and 4)	29-49	\$0	\$1,000	1 year

Note 1: N/A means the offense accumulation time is not applicable or each offense is considered to be a separate and new offense or each is considered to be significant.

Note 2: Notwithstanding civil penalty amounts delineated on this schedule, any violation delineated shall be subject to a civil penalty of not less than \$1,000 per day.

Note 3: TRC = 140% for BOD, TSS, fats, oil, and grease, and 120% for all other pollutants except pH which has no TRC.

Note 4: All mercury violations will be handled as outlined in the control authority's enforcement response plan (ERP).

## Sec. 29-14. Misdemeanor.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

A person who violates any provision of this chapter that is listed below is guilty of a misdemeanor. Such misdemeanors are subject to a fine of not more than \$500 or the maximum allowable under state law, plus costs and other sanctions, or by imprisonment for a period not to exceed 90 days, or both. Misdemeanor violations include:

- (a) Intentional unpermitted discharge;
- (b) Falsification of monitoring report;
- (c) Improper sampling, with evidence of intent to falsify or mislead;
- (d) Intentional failure to install monitoring equipment after deadline was established by administrative order;
- (e) Intentional recurring violation of compliance schedule in permit, or a violation of a compliance schedule in an administrative order; and
- (f) Illegal discharge when the discharge causes harm and there is evidence of intent.

## Sec. 29-15. Administrative remedies.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

A person who violates any provision of this chapter is subject to the administrative remedies described herein in addition to being responsible for a municipal civil infraction or a misdemeanor.

- (a) Notification of violation. Whenever the control authority finds that any user has violated or is violating any provision of this chapter, or a wastewater discharge permit or order issued hereunder, the control authority may serve upon said user written notice of the violation. Within 10 days of the receipt date of such notice, the user shall submit to the control authority an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions. 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.
- (b) Consent order. The control authority is empowered to enter into consent orders, assurances of voluntary compliance, and other similar documents establishing an agreement with the user responsible for the noncompliance. Such documents will include compliance schedules, stipulated fines or penalties, remedial actions, and signatures of the control authority and user. Consent orders shall have the same force and effect as administrative orders issued pursuant to this section.
- (c) Show cause order. The control authority may order any user which violates this chapter, wastewater discharge permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Enforcement action may be pursued as appropriate, whether or not a duly notified user appears as noticed.
- (d) Compliance order. When the control authority finds that a user has violated or continues to violate this chapter or a wastewater discharge permit issued thereunder, an order may be issued to the user responsible for the violation directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved. In addition or as an alternative, orders may contain such other requirements as might be reasonably necessary and

appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

- (e) Cease and desist order. When the control authority finds that a user has violated or continues to violate this chapter or a wastewater discharge permit issued thereunder, an order may be issued to the user responsible for the violation directing that such violation cease and desist immediately.
  - (1) In an emergency, the order to cease and desist may be given by telephone.
  - (2) In a nonemergency situation, the cease and desist order may be used to suspend or permanently revoke industrial wastewater discharge permits.
  - (3) The cease and desist order may order the user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision under this chapter, or permits and orders issued thereunder, may be fined in an amount of \$1,000 per day, or the maximum allowable under state law per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments shall be added to user's next scheduled sewer service charge, and the control authority shall have such other collection rights and remedies as designated by law and this chapter to collect said service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Users desiring to appeal such fines must comply with Section **29-24** of this chapter.
- (g) Emergency suspension. The control authority may suspend the wastewater treatment service and the wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge that presents or causes an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
  - (1) Any user notified of a suspension of the wastewater treatment service or wastewater discharge permit shall immediately stop or eliminate its discharge. If a user fails to immediately comply voluntarily with the suspension order, the control authority shall take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to any person, the POTW, or the environment. The control authority shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user.
  - (2) A user who is responsible (in whole or in part) for imminent endangerment shall submit a detailed written statement to the control authority describing the causes of the harmful discharge and the measures taken to prevent any future occurrence. Such statement shall be submitted prior to the date of any appeals hearing as may be scheduled in accordance with Section **29-24**.
- (h) Termination of wastewater discharge permit. Any industrial user who violates the following conditions of his wastewater discharge permit or any applicable state or federal law is subject to permit termination.
  - (1) Failure to accurately report the wastewater constituents and characteristics.
  - (2) Failure to report significant changes in operations or wastewater constituents and characteristics.
  - (3) Refusal of reasonable access to the user's premises for the purposes of inspection, monitoring, or sampling.

Noncompliant users shall be notified of the proposed termination of their wastewater discharge permit and be offered an opportunity to show cause under the provisions of Section

**29-15(c)** why the proposed action should not be taken.

- (i) Annual publication of IUs in significant noncompliance. The control authority shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those users which are found to be in significant noncompliance, as defined in Section **29-3** of this chapter, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

## Sec. 29-16. Judicial remedies.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

A person who violates any provision of this chapter is subject to the judicial remedies described herein in addition to being responsible for a municipal civil infraction, a misdemeanor, or an administrative remedy.

- (a) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the control authority, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user.
- (b) Civil fines.
  - (1) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, may be liable to the POTW for a civil fine of up to \$1,000, plus actual damages incurred by the POTW per violation per day for as long as the violation continues depending on the application of the facts and circumstances of the violation. In addition to the above described penalty and damages, the POTW may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.
  - (2) The control authority shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (c) Criminal prosecution.
  - (1) Violations generally.
    - a. Any user who violates Section **29-14** shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500 or the maximum allowable under state law per violation per day or imprisonment for not more than 90 days or both.
    - b. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$500 or the maximum allowable under state law per violation per day or imprisonment for not more than 90 days or both.
  - (2) Falsifying information. Any user who knowingly or intentionally makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly or intentionally renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine in an amount not to exceed \$500 or the maximum allowable under state law per violation per day or imprisonment for not more than 90 days or both.

## Sec. 29-17. Supplemental enforcement remedies.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

A person who violates any provision of this chapter is subject to supplemental enforcement remedies described herein in addition to being responsible for a municipal civil infraction, a misdemeanor, an administrative remedy, or a judicial remedy.

- (a) Performance bonds/letters of credit. The control authority may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond or letter of credit, payable to the control authority, in a sum not to exceed a value determined by the control authority to be necessary to achieve consistent compliance.
- (b) Liability insurance. The control authority may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
- (c) Water supply severance. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (d) Public nuisances. Any violation of the prohibitions or effluent restrictions of this chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 19 of the City Code governing such nuisance, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

## Sec. 29-18. Recurring offense.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

As used in this chapter, "recurring offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this chapter committed by a person within any six-month period or for any two successive six-month periods for which the person admits responsibility or is determined to be responsible.

## Sec. 29-19. Each day a separate offense.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Each day in which any violation shall continue shall be deemed a separate offense.

## Sec. 29-20. Liens.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Fines and costs incurred by any person found to be in violation of this chapter that are not paid within the time frame allocated shall become a lien against the user's property.

## Sec. 29-21. Liable for costs.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage (including attorney fees) incurred by the City by reason of such violation.

## Sec. 29-22. Construction of chapter.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The provisions of this chapter shall not be construed to limit the powers of the enforcing officer or other public officials or bodies to proceed to abate a health nuisance or a pollutant discharge in violation of ordinance limits, nor shall the provisions of this chapter be construed to provide adequate protection under all situations.

## Sec. 29-23. Order of additional requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

If the enforcing officer determines that additional or more strict requirements are necessary to avoid the creation or extension of a health nuisance or a pollutant discharge in violation of ordinance limits, he shall enter an appropriate order setting forth the requirements and the conditions making such requirements necessary.

## Sec. 29-24. Right of appeal.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Except for an appeal pursuant to Section **29-73** or notices of violation (including such notices issued as a civil infraction under Section **29-13**), or administrative consent orders, or emergency actions as defined herein, or a variance pursuant to Section **29-46**, any decision relating to the enforcement of this chapter may be appealed to the Board of Directors of the BPW or the Council of the City, whichever is the enforcing body for that decision, on written request of an aggrieved person. Unless this chapter specifically designates the Council of the City as the enforcing body, all appeals under this section shall be appealed to the Board of Directors of the Board of Public Works.

- (a) In the event a petition to review is not filed within 15 days of being notified of a violation, fine, or cost, the failure to file such an appeal shall be deemed a waiver of any and all administrative appeal rights.
- (b) In its petition, the appealing party shall state the basis for its appeal, the reasons in support of its appeal, and any alternative relief which the aggrieved party seeks.
- (c) During the pendency of the appeal, the applicant must comply with the enforcement action for which the appeal is taken.
- (d) The enforcing body shall:
  - (1) Deny the appeal,
  - (2) Grant the appeal,
  - (3) Grant the appeal with additional conditions.
- (e) The enforcing body's decision shall be made within 30 days of receiving the appeal request.
- (f) The decision of the enforcing body shall be the final administrative action for purposes of judicial review.

## ARTICLE III. Private Sewage Disposal Systems

### Sec. 29-25. Where permitted.



[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Except as otherwise provided in this chapter or where a public sewer is not available under the provisions of Section **29-8**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

## Sec. 29-26. Permit required; fees.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by a representative of the Community Services and Development office. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information, such as soil data, that may be deemed necessary by a representative of the Community Services and Development office. A permit and inspection fee shall be paid to the City Treasurer at the time the application is filed in accordance with the schedule of fees approved and adopted by City Council.

The enforcing officer of this section is the Director of the Community Services and Development, or an authorized deputy, agent, or representative.

## Sec. 29-27. Inspection.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of Community Services and Development. Community Services and Development shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify Community Services and Development when the work is ready for final inspection, and before any underground portions are covered.

The enforcing officer of this section is the Director of Community Services and Development, or an authorized deputy, agent, or representative.

## Sec. 29-28. Compliance with rules and regulations; discharge into public sewer prohibited.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The City Council shall adopt rules and regulations governing the construction, maintenance, and use of private sewage disposal systems. Such rules and regulations may be adopted and/or amended by vote of the City Council without the necessity of public hearing.

No sewage disposal system shall be permitted to discharge to any public sewer or natural outlet.

The enforcing officer of this section is the Director of Community Services and Development, or an authorized deputy, agent, or representative.

## Sec. 29-29. Termination.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter.

## Sec. 29-30. Sanitary operation required.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City, and in such a manner as to not create a public nuisance.

The enforcing officer of this section is the Director of Community Services and Development, or an authorized deputy, agent, or representative.

## Sec. 29-31. Prohibited waste discharge—generally.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Liquid wastes which shall not be discharged into a private sewage disposal system, unless specifically approved by Community Services and Development, include:

- (a) Seepage water from footing drains or underground flows.
- (b) Surface runoff or roof drainage from rainfall or snow melt.
- (c) A swimming pool or its appurtenance.
- (d) Brine or recharge water from a water softener of the ion-exchange type.
- (e) Chemical solutions or other wastes which would interfere with biological action in the treatment facilities.

The enforcing officer of this section is the Director of Community Services and Development, or an authorized deputy, agent, or representative.

## Sec. 29-32. Same—Requirements for disposal.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Community Services and Development may require suitable provisions for the proper discharge or disposal of liquid wastes enumerated in Section **29-31**.

## Sec. 29-33. Emergency provisions.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by EH&I or the BPW in case of an emergency or an immediate public health hazard.

# ARTICLE IV. Building Sewers and Connections

## Sec. 29-34. Connection permit required from Community and Neighborhood Services.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

No connections shall be made to any sanitary sewer until a connection permit has been secured from Community and Neighborhood Services.

## Sec. 29-35. Permission required for opening public sewers.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

No person, other than authorized municipal employees, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining

written permission from the BPW.

## Sec. 29-36. Costs.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

All costs and expenses incidental to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of the building sewer and connection with the public sewer systems.

## Sec. 29-37. Reconstruction of sanitary sewer; new service; lien.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

- (a) In the event the City determines that the sanitary sewer connection of the property owner is defective, violates the provisions of this chapter, is subject to infiltration, or is functionally inoperable or incompatible with the newly installed public sewer, the property owner shall be responsible to install a new building sewer to the public sewer. All costs incurred for the new sanitary sewer connection shall be paid by the property owner.
- (b) The City shall be permitted to construct a new building sewer and enter on private property for such installation if a property owner fails to construct a new building sewer pursuant to Subsection (a) hereof. The City shall recover from the property owner a fee determined by the Board of Public Works for installing such service or device. If such reimbursement is not paid within 60 days after demand has been made by the City, the amount demanded shall be deemed to be a lien on the property for sewer service furnished.

## Sec. 29-38. Separate sewers required; exception.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

- (a) Except as provided in Subsection (b), a separate and independent building sewer shall be provided for every building.
- (b) An existing joint sewer shall be permitted to continue if all of the following conditions are met:
  - (1) The shared section of the joint building sewer providing service to two or more buildings is determined by Community and Neighborhood Services to be of adequate size to serve all of the buildings which are connected to it;
  - (2) The joint building sewer laterals are determined by Community and Neighborhood Services not to have any defects or be subject to infiltration;
  - (3) The joint building sewer was in existence at the time this ordinance was adopted;

In the event a joint building sewer is permitted pursuant to this Subsection (b), the joint sewer shall be replaced and separated at such time: (i) as a public sewer repair or replacement project is commenced in the right-of-way, or otherwise, making available a lateral to service the property; or (ii) the joint building sewer requires a replacement of more than five feet of the joint sewer line and a lateral to service the property is available in the right-of-way.

## Sec. 29-39. Use of old building sewers.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

Old building sewers may be used in connection with new buildings only when they are found to be acceptable for use. Such determination shall be at the discretion of Community and Neighborhood Services after examination of the old sewer.

## Sec. 29-40. Design and construction requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

The size, slope, alignment, materials of construction of a building sewer; the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench; and the connection of the building sewer into the public sewer shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Holland. In the absence of code provisions or in application thereof, the materials and procedures set forth in appropriate specifications of the ASTM, and WEF MOP No. 9 and any amendments thereto shall apply.

## Sec. 29-41. Requirements for lift devices.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

## Sec. 29-42. Interceptor devices; when required; requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

Interceptor devices shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Notwithstanding the foregoing, interceptors shall not be required for living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the BPW and shall be located so as to be readily accessible for cleaning and inspection. All interceptor devices shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptor devices shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All interceptor devices from which such wastes emanate shall be maintained in continuously efficient operation at all times by the owner of the building or premises or his authorized representative, at their expense.

## Sec. 29-43. Discharge of waters not containing sewage prohibited; corrective action; lien for services.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

- (a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted process water to the sanitary sewer system.
- (b) If a connection to the sanitary sewer is found to exist, the property owner shall be responsible for separating the connection and shall perform all corrective repairs to comply with the provisions of this section.
- (c) If the property owner fails to separate the connection from the sanitary sewer system, the City shall be permitted [to] enter onto private property in order to separate the connection and make any necessary installation or construction. The City shall recover from the property owner a fee (as

determined by the BPW) for separating such service or device. If such fee is not paid within 60 days after the demand has been made by the City, that amount shall constitute a lien on the property and shall be subject to foreclosure and enforcement in accordance with the statutes of this state.

## Sec. 29-44. Compliance with Building and Plumbing Code.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specification of ASTM, and the WEF Manual of Practice No. 9 and any amendments thereto. All such connections shall be made gastight and watertight.

## Sec. 29-45. Inspection required; notification.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

An applicant for a building sewer permit shall notify Community and Neighborhood Services when the building sewer is ready for inspection. The enforcing officer for this section is the Director of Community and Neighborhood Services, or an authorized deputy, agent, or representative.

## Sec. 29-46. Request for variance.

[Ord. No. 1323, 12-5-2001; Ord. No. 1406, 3-2-2005]

Any person adversely affected or aggrieved by the provisions of Section **29-37**, **29-38**, or 29-39 may appeal to the Housing Board of Appeals for variance from those provision and requirements.

- (a) In the event a petition to review is not filed within 30 days of being notified of the need to comply with a provision or requirement, the failure to file such a variance request shall be deemed a waiver of any and all administrative appeal rights.
- (b) In its petition, the appealing party shall state the basis for its appeal, the reasons in support of its request, and any alternative relief which the aggrieved party seeks. The petition filed by the appealing party shall include a staff report from the BPW reviewing the appealing party's appeal with a recommendation to the Housing Board of Appeals.
- (c) The Housing Board of Appeals shall:
  - (1) Deny the appeal;
  - (2) Grant the appeal;
  - (3) Grant the appeal with additional conditions.
- (d) The enforcing body's decision shall be made within 30 days of receiving the appeal request.
- (e) The decision of the enforcing body shall be the final administrative action for purposes of judicial review.

# ARTICLE V. Use of Public Sewers

## DIVISION 1. General Pretreatment Requirements

## Sec. 29-47. Purpose of pretreatment requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

(a) The purposes of Article V are:

- (1) To establish uniform requirements for direct and indirect contributors into the wastewater collection and treatment system and to enable the POTW to comply with applicable state and federal laws and the general pretreatment regulations (40 CFR, Part 403);
- (2) To prevent the introduction of pollutants into the POTW which will:
  - a. Interfere with the operation of the system;
  - b. Cause the POTW to violate its NPDES discharge permit;
  - c. Contaminate the sludge;
  - d. Pass through the system, inadequately treated, into receiving waters or the atmosphere;
  - e. Pose a health threat to sewer workers; or
  - f. Be otherwise incompatible with the system.
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

(b) Future conditions imposed on the control authority by jurisdictional government agencies may require subsequent amendments of this chapter or rules and regulations adopted hereunder by the control authority. Where federal or state promulgated categorical pretreatment standards require limits more stringent than those specified in this chapter, the state and federal limits shall have precedence and take effect with respect to the applicable user on the latter of:

- (1) Their promulgation date, or
- (2) The date specified for compliance with such standards.

## Sec. 29-48. Right of revision.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The City shall have the right to establish any standard or prohibition as long as it is as restrictive or more restrictive than any federal or state requirements.

## Sec. 29-49. General discharge prohibitions.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008; 1-17-2018 by Ord. No. 1719]

(a) Generally.

- (1) It shall be unlawful to discharge any wastewater to the POTW except in accordance with the provisions of this chapter.
- (2) No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater which will pass through or cause interference with the operation or

performance of the POTW.

- (3) No person shall discharge or cause to be discharged to any public sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air-conditioning water or unpolluted industrial process water. No footing drain, roof downspout, areaway drain or other source of surface water or groundwater shall be connected to a public sewer. All footing drainwater shall be discharged to storm sewers or dry wells. Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the DEQ. The discharge of cooling water or unpolluted industrial process water shall only be permitted when authorized and approved by the DEQ.
- (b) Prohibited. No user shall contribute the following substances to the POTW:
- (1) Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
  - (2) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, or any material which can be disposed of as trash.
  - (3) Any wastewater having a pH less than 6.0 or greater than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
  - (4) Any substance which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
  - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40° C. (104° F.).
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  - (8) Any trucked or hauled pollutants, except at discharge points and as otherwise designated by the control authority.
  - (9) Any pollutant, including oxygen-demanding pollutants released in a discharge at a flow rate and/or concentration (including any slug discharge), which may cause interference to the POTW.
  - (10) Any of the following toxic pollutants: a) those pollutants listed on the current critical materials register prepared pursuant to the Water Division of the Michigan Department of Environmental Quality or its successors, and b) those pollutants identified by the BPW as a "toxic pollutant" by amendment to this chapter. If a pollutant is specifically allowed by the BPW, Section 29-49(b) (14) or categorical pretreatment standards, then the above paragraph does not apply.
  - (11) Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to § 307(a) of the Federal Water Pollution Act of 1972, as amended.

- (12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.
- (13) Any discoloration other than the color of normal strength domestic waste including, but not limited to dyes, inks and vegetable tanning solutions which singularly or in conjunction with other waste constituents is deleterious to treatment and/or sludge disposal practices or a hazard to the POTW and its employees.
- (14) Any wastewater having effluent characteristics in excess of:

**Table 1 Prohibited Pollutants**

	<b>Daily Maximum Allowable Concentration (mg/l)</b>
Organics	
Acetone	640
Benzene	0.32
Methyl ethyl ketone	640
Chloroethane	3.6
Chloromethane	2.3
Chloroform	1.2
Dibromochloromethane	0.18
1,4-Dichlorobenzene	0.38
1,1-Dichloroethane	16
1,1-Dichloroethylene	1.4
cis-1,2-Dichloroethylene	2.9
trans-1,2-Dichloroethylene	2.9
Diethyl ether	12
Ethyl benzene	0.87
Lindane	0.00076
4-methyl-2-pentanone	0.2
Methylene chloride	1.3
Styrene	0.64
Tetrachloroethylene	0.68
Toluene	3.5
1,1,1-trichloroethane	2
Trichloroethylene	0.68
1,2,4-trimethylbenzene	0.74
Xylenes, total	1.5
Phenols, total	2.5
Metals	
Arsenic	0.098
Cadmium	0.093
Chromium	3.7
Copper	1.1
Cyanide, amenable	0.22
Lead	0.66



**Table 1 Prohibited Pollutants**

	<b>Daily Maximum Allowable Concentration (mg/l)</b>
Lithium	2.6
Mercury	See Sec. 29-49(b)(15)
Molybdenum	0.27
Nickel	1.5
Selenium	0.18
Silver	0.25
Zinc	4.6
Compatibles	
Chlorides	2,300
Grease and oil (nonpolar fraction)	70

(15) There shall be no detectable amounts of mercury discharged into the POTW. The local discharge limitation for mercury is established at the method detection limit (MDL) in accordance with the following:

- a. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 246.1. The MDL, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference. The evaluation of potential matrix interference(s) shall include, at a minimum, the following:
  1. A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 ug/L in reagent water;
  2. A demonstration that the MDL of 0.2 ug/L cannot be achieved in the effluent; and
  3. A demonstration that an attempt has been made to resolve the matrix interference(s).
- b. In cases where true matrix interference(s) can be demonstrated, a discharge-specific MDL will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific MDLs will be incorporated into the wastewater discharge permit of the nondomestic user.
- c. Mercury reduction plans.
  1. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the control authority may require any nondomestic user with a reasonable potential to discharge mercury to develop, submit for approval and implement a mercury reduction plan (MRP). The MRP may be required by permit if the nondomestic user has not violated the local limit for mercury, but the control authority has determined that a reasonable potential for such a violation may exist. MRPs may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:
    - (i) A written commitment by the nondomestic user to reduce all nondomestic discharges of mercury to levels below the MDL within a time frame approved by the control authority;
    - (ii) Within 60 days of notification by the control authority that a MRP is required. The nondomestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the POTW;

- (iii) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified MDL within a time frame approved by the control authority;
  - (iv) A program for sampling and analysis of the nondomestic discharge for mercury in accordance with EPA Method 245.1 methods;
  - (v) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified MDL. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g., mercury discharges are already near MDL), the demonstration should incorporate the following:
    - [A] Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted by nonmercury containing compounds).
    - [B] Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by USEPA federal register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location.
    - [C] Loading calculations wherein the nondomestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
  - (vi) A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall:
    - [A] Identify compliance or noncompliance with specific reduction commitments in the MRP;
    - [B] Summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date;
    - [C] Provide all applicable analytical data;
    - [D] Provide an evaluation of the effectiveness of actions taken to date;
    - [E] Provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer; and
    - [F] Propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.
  - (vii) Any other conditions that the control authority deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this section.
- d. Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant noncompliance in accordance with this section, and will result in publication as a significant violator, in addition to other possible enforcement action.
- e. A MRP may be evaluated for adequacy at any time by the control authority. If such an evaluation determines that the mercury reduction plan is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified.

Failure to comply with the MRP requirement constitutes noncompliance. The control authority will follow its enforcement response plan (ERP) to ensure that corrective actions are taken.

- f. A nondomestic user may request a release from MRP requirements if (i) all samples of the discharge for a period of one year are less than the specified MDL; (ii) the nondomestic user has complied with the minimum monitoring frequency of quarterly sampling events; and (iii) the control authority deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. The control authority shall notify the nondomestic user of any release from MRP requirements in writing.
  - g. If the MRP requirement is waived by the control authority, the nondomestic user remains subject to the local limitation for mercury in accordance with the requirements of this section.
  - h. Rediscovery of mercury in the nondomestic user discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.
- (16) Any wastewater containing more of the substances referenced in Table 2, unless permitted by special discharge allocation under § 29-50. In addition to the limits in Table 2, any discharge that, in the judgment of the control authority, would contribute a significant amount of these substances, regardless of mg/l concentration, shall be prohibited except by special discharge allocation.

**Table 2  
Compatible Pollutants**

	<b>Daily Maximum (mg/l)</b>	<b>Daily Maximum Pounds per Day</b>
Biochemical oxygen demand (BOD)	1,000*	40*
Chemical oxygen demand (COD)	See Note 1	See Note 1
Total suspended solids (TSS)	1,400*	100*
Total phosphorus (TP)	40*	1*
Chlorides	2,300*	100*
Grease and oil (polar fraction)	150*	5*

\* Or as approved by the Michigan DEQ in accordance with the control authority's approved procedures, with any change in such approved amounts being effective upon publication by the control authority in a daily newspaper of general circulation in the Holland area.

Note 1. COD daily maximum mg/l and pounds will be calculated using the influent COD/BOD ratio times the BOD daily maximum mg/l and pounds.

## Sec. 29-50. Special discharge allocation.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008; Ord. No. 1570, 11-2-2011]

A nondomestic user (user) may, at the time of application for a wastewater discharge permit, or by a special discharge allocation permit application, request that the uniform concentration limits for BOD or COD, TSS, phosphorus, and grease and oil (polar fraction) be increased above concentrations listed in Table 2 (Section 29-49) for that permit. Such special discharge allocation shall be expressed as total daily pounds of pollutant discharged. A user's special discharge allocation shall be determined using rules and regulations established by the control authority and in accordance with procedures approved

by the Michigan DEQ. The rules and regulations of the control authority shall be available for inspection at 42 South River Avenue, Holland, Michigan 49423, and shall be posted on the website of the BPW.

The control authority reserves the right to reduce or deny special discharge allocations if total pollutant discharges near or reach the MAHLs set forth in Table 3. The control authority reserves the right to amend the MAHLs set forth in Table 3 at its discretion. The special discharge allocation must not result in the POTW (including the collection system) receiving pollutants in excess of its ability to convey or treat.

A user which requests a special discharge allocation through the permit application process must sign a written acknowledgment whereby the user consents to comply with all terms and conditions which may be imposed by the control authority. Such acknowledgment shall be in a form provided by the control authority, and must be executed by an authorized representative of the user and be received by the control authority before any special discharge allocation is effective. The user shall be charged for the special discharge allocation as determined by the adopted rate schedule. Notwithstanding the foregoing, payment of the plant capacity portion of the surcharge rate shall not confer any right to any particular amount of capacity in future periods. In addition, the control authority reserves the right to institute a review of any previously permitted special discharge allocation at any time, pursuant to which the control authority, in its discretion, upon notice and the opportunity for hearing, may reduce or eliminate a user's previously permitted or approved special discharge allocation (including in particular, but not limited to, any allocation amount for which a user has previously paid the physical plant capacity component of the surcharge but not the operation and maintenance component of the surcharge).

Any discharge in excess of the amount permitted by the special discharge allocation is prohibited and is therefore a violation of Section 29-49 and the user's wastewater discharge permit. In addition, a user shall pay the full surcharge rate (the plant capacity component and the operation and maintenance component) for any amount discharged in excess of the amount permitted by a special discharge allocation.

**Table 3  
Maximum Allowable Headworks Loading (MAHL)**

	<b>Pounds per Day</b>
Biochemical oxygen demand (BOD)	43,080*
Chemical oxygen demand (COD)	See Note 1
Total suspended solids	50,000*
Total phosphorus	725*
Grease and oil (polar fraction)	5,451*

\* Or the maximum pounds approved by the DEQ in accordance with the control authority's approved procedures.

Note 1. The MAHL for COD will be calculated using the influent COD/BOD ratio times the BOD pounds per day.

## Sec. 29-51. Surcharges.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

All nondomestic users of the POTW shall pay a surcharge for the discharge of sewage or waste containing more of the pollutant as referenced in Table 4, with the exception that a surcharge can be made for either BOD<sub>5</sub> or COD, whichever is the greater dollar cost, but not for both.

**Table 4**

<b>Pollutant</b>	<b>Surcharge Above</b>
BOD <sub>5</sub>	250 mg/l
COD	500 mg/l
Total suspended solids	250 mg/l

**Table 4**

<b>Pollutant</b>	<b>Surcharge Above</b>
Phosphorus	5 mg/l
Grease and oil (polar fraction)	50 mg/l*

- \* Surcharges for grease and oil (polar fraction) will be applied only if a user has received a special discharge allocation for grease and oil (polar fraction). Any users discharging above 50 mg/l may be required to submit grease trap maintenance records.

Surcharge rates shall be established periodically by the control authority. To determine the amount of the surcharge for any particular user, the control authority shall collect samples at a predetermined frequency and apply the surcharge rate to the analytical results of such samples. In the alternative, with the prior approval of the control authority, the user may utilize an independent company to take such samples, at the user's expense, under conditions and standards determined to be acceptable by the control authority. The surcharge shall be calculated and billed at a frequency determined by the control authority. Any surcharge billing not paid when due shall be a violation of this chapter.

## Sec. 29-52. Pretreatment requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent requirement of this chapter, or federal pretreatment standards as established by 40 CFR Chapter N, Subpart I, or state standards or wastewater discharge permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations, and with any other pretreatment standards by applicable deadlines.
- (b) Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this chapter and wastewater discharge permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the control authority prior to the industrial user's initiation of the changes.

## Sec. 29-53. Dilution prohibition.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

No user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with concentration limitations as established herein or any pretreatment standard or requirement.

## Sec. 29-54. Spill prevention and slug control plans.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Nondomestic users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved by the control authority before construction of the facility.

- (b) Nondomestic users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill prevention plan has been approved by the control authority. Approval of such plans shall not relieve the user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- (1) The control authority shall evaluate all new SIUs for the need for a slug control plan within a year of the industrial user being designated as a SIU. Each significant industrial user shall be evaluated at least once every two years, and other nondomestic users as necessary, to determine whether such user needs a plan to control slug discharges. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
- a. Description of discharge practices, including nonroutine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section **29-49**, with procedures for follow-up written notification within five days;
  - d. If necessary, 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 industrial site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

## Sec. 29-55. Notification.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

(a) Notification of discharge violation.

- (1) In the case of any discharge in violation of this chapter or wastewater discharge permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug discharges, as defined by Section **29-3** of this chapter, the user shall immediately notify the control authority of the discharge by telephone. The notification shall include:
- a. The date, time, location and duration of the discharge;
  - b. The type of waste including concentration and volume; and
  - c. Any corrective actions taken by the user.
- (2) Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
- (3) Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this chapter or other applicable state or federal law.

- (b) Notification of changed discharge. The user shall notify the control authority prior to the introduction of new wastewater or pollutants or any significant change in sewer use or characteristic of the wastewater being introduced into the POTW from the user's processes. Formal written notification shall be submitted prior to such an introduction. Significant change in sewer use is defined as an increase in the concentrations of pollutants discharged of 20% over those reported on the wastewater discharge disclosure report, or the increase in discharge volume of 1,000 gallons/day

or more than 10% over that reported on the baseline monitoring report/wastewater discharge disclosure report, whichever is less.

Any change which would violate categorical pretreatment standards or local limits is prohibited.

- (c) Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge.

## Sec. 29-56. Posting of emergency notification number; employee training.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Each nondomestic user shall permanently post a notice in a prominent place advising all employees to call the POTW, at the number supplied on the wastewater discharge permit, in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

## Sec. 29-57. Records.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
- (b) These records shall remain available for a period of at least three years after their collection.
- (c) This period shall be extended during any litigation concerning compliance with this chapter or wastewater discharge permit conditions.

## Sec. 29-58. Analytical requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the procedures and methods outlined in Section **29-80.2**.

The sample shall be representative of daily operations. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

## Sec. 29-59. Confidential information.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the control authority in accordance with state and federal disclosure statutes that the release of such information would divulge information, processes or methods of production entitled to protection as

trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the control authority. Effluent data shall be available to the public without restriction.

- (b) When the person furnishing a report satisfies the control authority that such person has made the demonstration required by Subsection (a), the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this chapter, the NPDES permit, or the pretreatment program. Confidential portions of a report shall be available for use by the state or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

## Sec. 29-60. Right of entry.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Representatives of the control authority, the state and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this chapter. Nondomestic users shall allow authorized representatives of the control authority, state and EPA access to all premises for the purpose of inspecting, sampling, examining records or seize for purposes of copying records in the performance of their duties. Authorized representatives of the control authority, state and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the control authority, state and EPA to enter and inspect the premises as guaranteed by this paragraph.

## Sec. 29-61. Existing and new source compliance deadlines.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to Section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical pretreatment standard. Existing sources which become significant industrial users subsequent to promulgation of an applicable pretreatment standard shall be considered existing significant industrial users except where such sources meet the definition of a new source as defined in 40 CFR 403.3(k). New sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

## Sec. 29-62. Equivalent mass and concentration limits.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

Equivalent limitations calculated in accordance with 40 CFR 403.6(c)(3) and (c)(4) shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act and Title 40, Part 403 of the Code of Federal Regulations. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical pretreatment standards from which the equivalent limitations were derived.



40 CFR 403.6(c)(6) and (c)(7) shall apply to those industrial users for whom equivalent mass or concentration limits are calculated.

## Sec. 29-63. Net/gross calculation.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with 40 CFR 403.15.

## Sec. 29-64. Removal credits.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The control authority may at its discretion and subject to the conditions of 40 CFR 403.7, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment standard(s).

## Sec. 29-65. Improper use of sewers; discontinuance of service.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The BPW is authorized to inspect any existing building service sewer and drain, lateral or collecting sewers that discharge wastewater directly or indirectly to the POTW. If it is found that such lateral or collecting sewers are used or maintained in such a way as to cause discharge of septic wastewater or groundwater or debris which exceeds the design criteria of said sewer or any other substance deemed objectionable, the BPW will give notice of the unsatisfactory condition to the person responsible for such discharge and shall direct that the condition be corrected.

In cases of noncompliance continuing after such directive, the BPW, in its discretion, may discontinue service to persons responsible for such discharge.

## Sec. 29-66. Indemnification for additional sewer maintenance expenses.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

No person shall discharge or cause to be discharged to a sanitary sewer, either directly or indirectly, any nondomestic waste that creates a stoppage, plugging, breakage, reduction in sewer capacity or any other damage or loss to any public sewer, the POTW or the control authority. The person causing such discharge shall indemnify the BPW or control authority for any additional sewer maintenance expenses, or any other resulting costs or expenses, including attorney fees, caused by such a discharge.

## Sec. 29-67. Accidental discharges.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Every user of the POTW shall provide, when deemed necessary by the control authority, protection from accidental discharge into the sewage system of nondomestic wastes or liquid materials not meeting the requirements of Section **29-49** or other nondomestic wastes.

## DIVISION 2. Administration

## Sec. 29-68. Wastewater discharge permits.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) When a wastewater discharge permit is required. The control authority may, in its discretion, require that an existing potential nondomestic user procure and maintain in effect a wastewater discharge permit, issued by the control authority, as a condition precedent to making any discharge to the POTW. The control authority may require an existing or potential user to obtain a wastewater discharge permit whenever it shall reasonably determine that the user is an SIU or MIU as defined in Section **29-3** of this chapter.
- (b) Permit application. Users required to obtain a wastewater discharge permit shall complete and file with the control authority, an application in the form prescribed by the control authority, and accompanied by a fee as required in Section **29-11**. Proposed new nondomestic users shall apply for a wastewater discharge permit at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address, and location, (if different from the address) and name of owners and operator;
  - (2) Standard industrial classification (SIC) code of both the industry as a whole and any process for which categorical pretreatment standards have been promulgated.
  - (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section **29-49** of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
  - (4) Time and duration of discharge;
  - (5) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly and seasonal variations if any;
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation and a current water use schematic;
  - (7) Description of activities, facilities and industrial processes on the premises including all materials which are or could be discharged;
  - (8) The nature and concentration of any pollutants in the discharge which are limited by any City, state, or federal pretreatment requirements and a statement signed by an authorized representative of the user regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
  - (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
    - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
    - b. No increment referred to in Paragraph (a) shall exceed nine months.

- c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.
- (10) Each product and/or by-product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of facility and proposed or actual hours of operation of pretreatment system;
- (13) List of any environmental control permits held by or for the facility;
- (14) Any other information as may be deemed by the control authority to be necessary to evaluate the wastewater discharge permit application.

The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

## DIVISION 3. Wastewater Discharge Permit Requirements

### Sec. 29-69. Permit contents.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Wastewater discharge permits shall contain, as appropriate, the following:

- (a) Statement of duration (not greater than five years) including issuance and expiration dates;
- (b) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this chapter, state and local law or the combined waste stream formula as outlined in 40 CFR 403.6(e);
- (c) General and specific discharge prohibitions as established by Section **29-49** of this chapter;
- (d) Requirements to pay fees for the wastewater to be discharged to the POTW;
- (e) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization, including the maximum monthly flow which shall be permitted by a user;
- (f) Requirements for installation and maintenance of inspection and sampling facilities;
- (g) Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (h) Compliance schedules;
- (i) Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Pretreatment Standard or pretreatment requirement;

- (j) Requirements for collecting/retaining and providing access to facility records relating to the user's discharge and for providing entry for sampling and inspection;
- (k) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;
- (l) Requirements for notification of spills, potential problems to the POTW including slug loadings, upsets or violations;
- (m) Requirements for installation, operation and maintenance of pollution control equipment;
- (n) Requirements to develop and implement spill and slug control plans;
- (o) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter, state and federal pretreatment standards and requirements including a requirement that the user shall deliver to the control authority a copy of the permit which is acknowledged, agreed to and executed by an authorized representative of the user in order for the permit to be effective;
- (p) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (q) Statement of nontransferability;
- (r) Conditions for modification or revocation of permit.

## Sec. 29-70. Permits duration.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance at least 180 days prior to the expiration of the user's existing permit.

## Sec. 29-71. Permit modifications.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by Section **29-68**, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the control authority within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by Paragraph (b)(8) and (9) of Section **29-68**.

## Sec. 29-72. Permit transfer.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Wastewater discharge permits are issued to a specific process or operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior approval of the control authority.

## Sec. 29-73. Wastewater discharge permit appeals.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Any aggrieved person, including a nondomestic user, may petition the administrative committee to reconsider the terms of a wastewater discharge permit ("permit") within 30 days of the permit issuance.

- (a) Failure to file a timely petition for review of the permit issuance shall be deemed a waiver of any and all administrative appeal rights.
- (b) In the appeal petition, the appealing party shall indicate those portions of the permit objected to; the reasons for the objection; and any alternative conditions, if any, the applicant seeks to establish in the permit.
- (c) During the pendency of the appeal, all terms and conditions of the newly issued permit, which are not contested, shall remain in full force and effect. During the pendency of the appeal and until a final administrative determination by the administrative committee, the prior permit requirements shall apply to any contested portions.
- (d) The administrative committee shall deny the appeal; grant the appeal; or grant the appeal with conditions within 30 days of the appeal request. The administrative committee may table the additional appeal request within the thirty-day period to request additional information from the applicant. The decision of the administrative committee shall be final administrative action for purposes of judicial review.

## Sec. 29-74. Monitoring.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Nondomestic users shall provide and maintain in safe and proper condition, at their own expense, facilities to allow the authorized representatives of the control authority, EPA or the state to inspect, sample, or measure flows from wastewater subject to this chapter.
- (b) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.
- (c) If locating such facilities on a user's property would be impractical, the user may apply to the City for a right-of-way or for permission to construct on public property.
- (d) The control authority may require a suitable control manhole located on the nondomestic user's premises, which shall be installed on the building sewer when deemed necessary by the control authority. When such a location would be impractical or cause undue hardship on the user, the City may allow such facility to be constructed in the public right-of-way, with the approval of the public agency having jurisdiction over such right-of-way, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. The manhole shall be installed by the owner at his expense, and shall be maintained by him to be safe and accessible at all times.  
Whether constructed on public or private property, the control manhole shall be constructed in accordance with the control authority's requirements and all applicable construction standards and specifications.  
When more than one user can discharge into a common sewer, the control authority may require installation of separate monitoring equipment and control manhole for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the control authority may require that separate monitoring facilities be installed for each separate discharge.

## Sec. 29-75. Bypass.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Bypass not violating applicable pretreatment standards or requirements. A nondomestic user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to (b) and (c) hereafter.
- (b) Notice.
  - (1) If a nondomestic user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent, if possible at least 10 days before the date of the bypass.
  - (2) A nondomestic user shall orally notify the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- (c) Prohibition of bypass.
  - (1) A bypass is prohibited and the control authority may take enforcement action against an individual user for a bypass, unless:
    - a. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
    - b. There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance;
    - c. The user submitted notices as required by Paragraph (b) of this section.
  - (2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in Paragraph (c)(1) of this section. However, such approval does not limit cost recovery by or indemnification of the control authority.

## Sec. 29-76. Upset provisions.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of Paragraph (b) are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  - (3) The user has submitted the following information to the superintendent and control authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

- a. A description of the discharge and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
  - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) In the usual exercise of prosecutorial discretion, control authority enforcement personnel should review any claims that noncompliance was caused by an upset. No determinations made in the course of the review constitute final control authority action subject to judicial review. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) A nondomestic user shall control production and all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. This may not be a defense against cost recovery by or indemnification of the control authority.

## DIVISION 4. Reporting

### Sec. 29-77. Baseline report (for categorical dischargers only).

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Users subject to National Categorical Pretreatment Standards shall submit baseline reports to the control authority on a form prescribed and furnished by the control authority.
- (b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, nondomestic users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed baseline report.
- (c) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a baseline report at least 90 days prior to commencement of discharge to the POTW.
- (d) In support of the baseline report, the nondomestic user shall submit, in units and terms specified in the application, the following information:
  - (1) Name and address of the facility including the name of the operator and owners.
  - (2) List of any environmental control permits held by or for the facility.
  - (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
  - (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - a. Regulated process streams, and

- b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).
- (5) The nondomestic user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
  - a. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
  - b. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four-hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
  - c. A nondomestic user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.
- (6) A nondomestic user shall provide a statement, reviewed by an authorized representative of the user, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) measures or additional pretreatment is required for the user to meet the National Categorical Pretreatment Standards.
- (7) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard, or as follows:
  - a. Where the user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste stream formula [[40 CFR 403.6(e)], or net/gross calculations (40 CFR 403.15), at the time the user submits a baseline report containing the information required in Section 29-77(d)(6) and (7) shall pertain to the modified limits.
  - b. If the National Categorical Pretreatment Standard for the user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to information provided as a response to Section 29-77(d)(6) and (7) and submit them to the control authority within 60 days after the modified limit is approved.
- (8) The following conditions shall apply to any schedule submitted in response to Section 29-77(d)(7):



- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - b. No increment referred to in Section 29-77(d)(8)a. shall exceed nine months.
  - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.
- (9) Such other information as may be reasonably requested by the control authority.
- (e) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

## Sec. 29-78. Compliance date report.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. Where equivalent mass or concentration limits are established by the control authority for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the user.

## Sec. 29-79. Periodic compliance reports.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 29-77(d)(4). At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

- (b) The control authority may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards.
- (c) For users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6(c), the report required by Section **29-79(a)** shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Section **29-79(a)** shall include the user's actual average production rate for the reporting period.
- (d) Significant noncategorical industrial users shall submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

## Sec. 29-80.1. Self-monitoring.

[Ord. No. 1516, 9-3-2008]

The control authority may require industrial users to conduct self-monitoring. The control authority shall determine the frequency of self-monitoring necessary to assess and assure compliance by the industrial user with applicable pretreatment standards and requirements. The control authority may require the industrial user to provide a split of self-monitoring samples. The control authority shall require appropriate reporting from industrial users required to conduct self-monitoring.

## Sec. 29-80.2. Sampling and analysis procedures and methods.

[Ord. No. 1516, 9-3-2008]

All sampling and analyses conducted shall be performed in accordance with the procedures and methods detailed in the most current version of:

- (1) "The Guidelines Establishing Test Procedures for the Analysis of Pollutants" 40 CFR, part 136, as amended.
- (2) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association.
- (3) "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency.
- (4) Any other method as may be approved by the control authority.

## Sec. 29-80.3. Laboratory utilized by industry conducting self-monitoring to be approved by control authority; quality control documentation required.

[Ord. No. 1516, 9-3-2008]

- (a) Each laboratory utilized by industries conducting self-monitoring as required by the control authority shall be approved by the control authority and required to operate a formal quality control program as outlined in the most current version of:
  - (1) "Handbook for Analytical Quality Control in Water and Wastewater Laboratories," United States Environmental Protection Agency.
  - (2) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association.
- (b) Laboratories conducting analyses for industrial users must submit a copy of the formal quality control documentation prior to approval by the control authority. Approval of laboratories shall be subject to periodic review. The control authority shall have the right to issue blind standards to be analyzed by other laboratories being utilized for self-monitoring. In the case of resolving disputes between analytical data generated by the control authority and another laboratory, any data without documented supporting quality control data will be rejected.

## Sec. 29-80.4. Monitoring and analysis in support of self-monitoring requirements.

[Ord. No. 1516, 9-3-2008]

- (a) The reports required by Sections **29-69**, **29-77**, **29-78**, **29-79**, **29-81** and **29-82** shall be based on sampling and analysis performed in the period covered by the report, at the location set forth by the control authority, and performed in accordance with the sampling and analysis procedures as outlined in Section **29-80.2**. This sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the control authority itself collects all the information required for the report, the user will not be required to submit the report.
- (b) If sampling performed by a user indicates a violation, the user shall notify the superintendent 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 superintendent within 30 days after becoming aware of the violation, except the user is not required to resample if:
  - (1) The control authority performs sampling at the industrial user at a frequency of at least once per month, or
  - (2) The control authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

If the control authority performs the sampling for the SIU, the control authority must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation.
- (c) The reports required in Paragraph (a) and (d) of Section **29-79** shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards, and requirements.
- (d) If an industrial user subject to the reporting requirement in Sections **29-69**, **29-77**, **29-78**, **29-79**, **29-81** and **29-82** monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

- (e) Signatory requirements for industrial user reports. The reports required by Sections **29-77**, **29-78**, **29-79**, **29-81** and **29-82** shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed by an authorized representative.
- (f) The reports required in Sections **29-77**, **29-78**, **29-77(a)** and **29-79(d)** must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 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 control authority. 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 organic compounds 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 control authority, as appropriate.

## Sec. 29-81. Reporting requirements for significant industrial users.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

Every significant noncategorical industrial user shall submit to the control authority at least once every six months (on date specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques describe in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the DEQ or control authority determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the control authority or other persons, approved by the DEQ. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user. Where the control authority itself collects all the information required for the report, the significant noncategorical industrial user will not be required to submit the report.

## Sec. 29-82. Reporting requirements for nonsignificant industrial users.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The control authority may require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards and are not otherwise deemed by the control authority to be significant.

## Sec. 29-83. Hazardous waste notification.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

- (a) Any nondomestic user, except as specified in Subsection (e) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261, shall notify the control authority in writing of such discharge.
- (b) All hazardous waste notifications shall include:
  - (1) The name of the hazardous waste as set forth in 40 CFR Part 261;
  - (2) The EPA hazardous waste number;
  - (3) The type of discharge (continuous, batch, or other); and
  - (4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (c) In addition to the information submitted in Section **29-83(b)**, nondomestic users discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the nondomestic user:
  - (1) An identification of the hazardous constituents contained in the waste;
  - (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
  - (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.
- (d) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that IUs commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must also be submitted under Section **29-55(b)** of this chapter.
- (e) Nondomestic users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

## Sec. 29-84. Signatory requirements.

[Ord. No. 1323, 12-5-2001; Ord. No. 1516, 9-3-2008]

The reports required in Sections **29-77**, **29-78**, **29-79**, **29-81** and **29-82** shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii) and shall be signed as follows:

- (a) By a responsible corporate official, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate official means (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) The manager of one or more manufacturing, production, or operation facilities employing 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.

- (c) By a duly authorized representative of the individual designated in Section **29-84(a)** or **(b)** if:
- (1) The authorization is made in writing by the individual described in Section **29-84(a)** or **(b)**;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (3) The written authorization is submitted to the control authority.
- (d) If an authorization under Section **29-84(c)** is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Section **29-84(c)** must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

## ARTICLE V1. Charges for Sewer

### Sec. 29-84.1. Charges for sewer.

[Ord. No. 1417, 6-15-2005; Ord. No. 1431, 11-2-2005]

The following charges and fees shall apply to all connections to the sanitary sewer system of the City of Holland:

- (a) Lateral fee. If a lateral fee has not been paid or assessed against the premises to be served, a lateral fee, in an amount to be established and adjusted from time to time by a resolution of the City Council, for the installation and use of a sewer lateral line from the sewer line to the property line, shall be payable by each premises connecting to the system provided that no lateral fee shall be payable where the sewer lateral to be utilized was constructed as a part of the development or project in which private parties or the City on behalf of or at the expense of private parties have constructed the sewer lateral. The terms of the payment of the sewer lateral fee shall be established and adjusted from time to time by a resolution of the City Council. This resolution shall specify whether the lateral fee is payable in cash in full at the time application to connect is made or in installments. If the lateral fee is payable in installments, such resolution shall specify the number of installments, the amount of each installment, the date on which each installment is due and payable, the interest rate, if any, on the unpaid balance of the lateral fee, when interest begins, and the date on which interest on the unpaid balance is due and payable. If paid in installments, the unpaid balance of the lateral fee and all interest thereon shall constitute a lien on the premises served.
- (b) Special assessment. The special assessment procedure as prescribed in Chapter 15 of the City Charter for the construction of sanitary sewer improvements and assessment for sanitary sewer will be followed. A special assessment for sanitary sewer may be authorized by the City; may be accepted upon petition of the property owners; or may be initiated by such other method as specified by City Charter or authorized by law. Following a public hearing and adoption of a resolution of necessity, the project may be authorized by the City Council to proceed. The special assessment placed on the premises shall include the frontage fee and the lateral fee. Notwithstanding the foregoing, the amount of the special assessment shall not exceed the cost of the public improvement as specified by Section 15.9 of the Holland City Charter. The special assessment shall be payable in full or in equal installments as authorized and specified in Chapter 15 of the City Charter. To the extent that an assessment for sanitary sewer does not exceed the cost of the public improvement as required by Chapter 15 of the Charter of the City of Holland, the sanitary sewer special assessment shall be established annually by resolution of the Board of Directors of the Holland Board of Public Works and approved by the City Council. The resolution shall specify whether the frontage charge is payable in cash in full at the time application to connect

is made or installments. If the frontage charge is payable in installments, such resolution shall specify the number of installments, the amount of each installment, the date on which each installment is due and payable, the interest rate, if any, on the unpaid balance of the frontage charge, when interest begins, and the date on which interest on the unpaid balance is due and payable. If paid in installments, the unpaid balance of the frontage charge and all interest and penalties thereon shall constitute a lien on the premises served.

(c) Trunkage charge.

- (1) [Provisions regarding charge.] All premises which have not been included in a special assessment district which included a trunkage charge as a part of the assessment shall pay a trunkage charge. Those premises which have previously paid a trunkage charge as a part of a special assessment on a cash or installment basis as provided in this article but later are expanded and the use of the premises is altered so as to increase the amount and intensity of sewer use, shall pay an additional trunkage charge for such increase in sewer use. Those premises which were assessed for trunkage as an unimproved parcel but which are later improved or expanded, resulting in an increase in sewer use, shall pay a trunkage charge for such improvements. The trunkage unit rate shall be calculated based on general system extension costs, which may include, but are not limited to, such items as oversizing, extra depth, nonassessable frontage, lift station, force mains, pump stations, and other costs not included in the special assessment and frontage calculation. The trunkage unit rate shall be established and adjusted from time to time by a resolution adopted by the Holland Board of Public Works and approved by the City Council. The trunkage fee shall be based upon a residential equivalent unit ("REU factor") and applied against the meter size for the proposed or expanded use of the premises. An REU factor will be established for a single-family residential unit. All other types of uses will be calculated based on a schedule of unit factors based upon meter size and using the basic REU rate as the base cost. After initial adoption of the REU rates and factors, the REU rates will be adjusted annually based on the construction cost index as published by the Engineering News Record or such other nationally recognized publication recording costs and inflationary adjustments to cost. The trunkage unit rate shall be the rate in effect on the date the meter is installed to connect to the sewer system. If the premises are already connected to the sewer system, the trunkage unit rate shall be the rate at the time the meter change is made for the expansion or alteration of use.
- (2) Private development. Sewer trunkage fees will be the only fee required to be paid for building connections made within the proposed private development. The private party must pay in full all existing assessments and any other charges or assessments prior to sanitary sewer system extensions or connections. Costs incurred by the developer which are normally included in the trunkage fee calculation may be credited against the calculated fees in accordance with the resolution adopted by the Holland Board of Public Works and approved by the City Council.
- (3) Single connections. For premises which have not been specially assessed or were not a part of a private development for which assessments, trunkage, and lateral fees have been charged, the cost of connection to sanitary sewer will be determined based upon the rate formula established in the resolution adopted by the Holland Board of Public Works and approved by the City Council. Any premises which were previously charged under the alternate assessment procedure of the City shall be charged consistent with the terms and conditions of this article. Any previously charged and levied alternate assessments including any ordinances or resolutions thereto are hereby rescinded, revoked, and vacated and, in lieu thereof, all premises will be charged and assessed in accordance with this article. The City Council may choose to permit installment payments of an assessment under those conditions as specified in the resolution adopted by the Holland Board of Public Works and approved by the City Council. The owner of the premises to be served shall sign an agreement with the City stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the premises served. If any installment of a lateral fee, frontage charge, trunkage charge, or any interest or penalty thereon is not paid in a timely manner, the City shall have the right to discontinue utility service to the premises and also, if the premises are connected to a sanitary sewer supply, the right to

turn off the sanitary sewer to the premises. Sewer service shall not be restored to the premises until all amounts then due and payable are paid in full.

- (4) Installment payment of trunkage. The City Council may choose to permit installment payments of trunkage charges under those conditions as specified in a resolution adopted by the Holland Board of Public Works and approved by the City Council. This resolution shall specify whether the trunkage charge may be payable in cash in full when the obligation is incurred, or in installments. The resolution shall specify the number of installments, the amount of each installment, the date on which each installment is due and payable, the interest rate, if any, on the unpaid balance of the trunkage charge, when interest begins, the date on which interest on the unpaid balance is due and payable, and the amount of any administrative fee to be charged by the City for the installment payment agreement. If paid in installments, the unpaid balance of the trunkage charge and all interest and penalties thereon shall constitute a lien on the premises served in accordance with the Charter of the City of Holland and the applicable provisions of state law.
- (5) Agreement. At the time of each application to connect to the sanitary sewer system of the City, and also at the time any additional trunkage charges become payable as provided in Subsection (c)(1) of this section, if any portion of the trunkage charge will be paid over time, as a condition precedent to connection and/or use of the sanitary sewer system, the owner of the premises to be served shall sign an agreement with the City stating the amount owed, the interest rate, and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the premises served. If any installment of any trunkage charge or any interest or penalties thereon is not paid in a timely manner, the City shall have the right to discontinue sewer service to the premises, and also, if the premises are connected to a public water supply, the right to turn off the water service to the premises. Sewer service and/or water service shall not be restored to the premises until all amounts then due and payable are payable in full.
- (6) Tax bill collection. If any lateral fee, frontage charge, or trunkage charge, or any interest or penalties thereon is delinquent for three months or more, then on or before November 1 of each year, it shall be certified to the City Treasurer, who shall enter the lien on the next tax roll against the premises to which sewer service has been provided, and the charges shall then be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for taxes.
- (7) Lien for payment of charges. If an installment of a trunkage charge is not paid, with all interest, on or before its due date, then such delinquent installment shall be treated and have the same status as a delinquent installment of a special assessment pursuant to Public Act No. 188 of 1954 (MCLA § 41.721 et seq.), as amended, or any similar statute, and such delinquent installment shall be collected by the City in the same manner as provided in Public Act 188 or similar successor statute for delinquent installment payments of special assessments in addition to any other remedy provided for in the Ordinance Code of the City of Holland or in an agreement executed by the owner of the premises served and the City.

## ARTICLE VI. Severability

### Sec. 29-85. Severing in case of invalidity.

[Ord. No. 1323, 12-5-2001]

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

## ARTICLE VII. Conflict



## Sec. 29-86. Repealing clause.

[Ord. No. 1323, 12-5-2001]

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.



## **APPENDIX C**

### **PART 5 REPORTING REQUIREMENTS**



## Release Notification Requirements in Michigan

*While diligent efforts have been made to assure that the information provided in the following table is accurate and complete as of August 18, 2015, there is no guarantee that it covers all of the regulatory requirements for release notification and reporting in Michigan.*

**Chemical releases** in Michigan are potentially reportable under one or more of twenty-seven different **state and federal regulations**. Determining which regulations apply to a specific release can be an overwhelming task. The “Release Notification Requirements in Michigan” table was compiled by the Michigan SARA Title III Program staff in the Department of Environmental Quality (DEQ) to help owners and operators of facilities in Michigan, including vehicles and farms, determine their potential notification and reporting requirements in the event of a chemical release.

Check your permits, licenses, registrations, pollution prevention plans, and local ordinances for *additional* release reporting requirements. In particular, all NPDES permits and most air permits have release reporting requirements in them that are not included on this table.

This table should be used as a tool to identify potential reporting requirements *before* a release occurs, and to identify follow-up reporting requirements based on the release. The table outlines **what** releases must be reported, **when** they must be reported, and **to whom** they must be reported.

### What Is a Chemical Release?

The term “release” means spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing. “Chemical” includes substances considered to be toxic or hazardous as well as substances as seemingly harmless as salad oil.

### Chemical Lists

The EPA published a consolidated list of chemicals subject to SARA Title III, CERCLA, section 112(r) of the Clean Air Act called the “List of Lists.” See the following EPA website for the List of Lists: <http://www2.epa.gov/epcra/epcracerclaa-ss112r-consolidated-list-lists-march-2015-version>

The “List of Lists” includes:

- **CERCLA Hazardous substances**, including **RCRA waste streams** and **unlisted hazardous wastes**, with reportable quantities (RQ) for releases (originally published in 40 CFR 302, Table 302.4).
- **SARA Title III Extremely Hazardous Substances (EHS)** with RQs for releases (originally published in 40 CFR 355).
- **SARA Title III Section 313 Toxic chemicals** (originally published in 40 CFR 372 Subpart D).

The Part 5 Rules, Spillage of Oil and Polluting Materials, were promulgated pursuant to Part 31 of Michigan’s Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). These rules include a list of “**polluting materials**” with threshold reporting quantities for releases.

NREPA Part 201 has been updated and now refers to the **2015 version of the CERCLA list** of hazardous substances.

## NOx Exemption in CERCLA and SARA Title III

On **October 4, 2006**, EPA finalized an exemption for certain releases of emissions of NO and NO<sub>2</sub> (collectively NO<sub>x</sub>) to air from CERCLA and SARA Title III reporting requirements (71 FR 58525). The exemption was effective November 3, 2006, and applies to releases to the air of less than 1,000 pounds of NO<sub>x</sub> in 24 hours that are the result of combustion. The exemption also applies to emissions from combustion-related activities such as detonation or processes that include both combustion and non-combustion operations, such as nitric acid production.

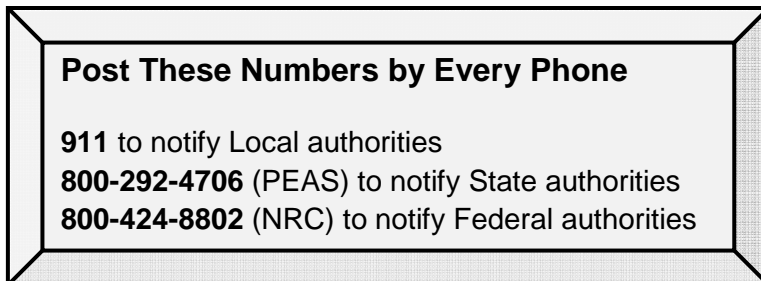
## Petroleum Exclusion in CERCLA

Petroleum, including crude oil or any fraction thereof is excluded from the definitions of "hazardous substance," and "pollutant or contaminant" under CERCLA. Petroleum releases, accordingly, must generally be addressed under the authority of other law such as the underground storage tank (UST) provisions of RCRA, or the Clean Water Act (CWA). This exception, which has become known as the "**petroleum exclusion**," plays a significant role in CERCLA because many sites contain petroleum contamination. Petroleum frequently contains specific listed hazardous substances, the most common of which are benzene, toluene and xylenes. In general, such substances are not treated as CERCLA hazardous substances as long as they are found in refined petroleum fractions and are not present at levels that exceed those normally found in such fractions. Substances present in petroleum as a result of contamination during use or from mixing or combining are not within the petroleum exclusion and in such cases, the substances are considered CERCLA hazardous substances.

NREPA Part 201, Environmental Remediation, section 20114(1)(b) states that the requirements to report a release under this regulation apply to "reportable quantities of hazardous substances established pursuant to 40 CFR 302.4 and 302.6" This regulation references the listed hazardous substances published in the Code of Federal Regulations. It does not adopt the petroleum exclusion that applies to federal regulation of releases of CERCLA hazardous substances. As a result, petroleum constituents, including component substances such as benzene, toluene, and xylenes, plus any additives (e.g., MTBE, lead) are all reportable under Part 201 based on the reportable quantities in the 2015 version of the CERCLA list of hazardous substances published in 40 CFR 302.4 and 302.6.

## Initial Notification: There is **NO PENALTY** for over-reporting!

When there is a release, determining if, when, and to whom it should be reported can be a daunting task even if you are familiar with the table. It is therefore recommended that **if there is a release, immediately call** the following three numbers even if the content or quantity of the released material has not yet been determined:



You can then respond to the release, reassess the situation, and make additional notifications as required (e.g. as specified in the table or in your permits). Your follow-up report will provide details that explain why a release was *or was not* reportable.

SARA Title III section 304 requires that the LEPC be notified immediately of a release. Many LEPCs accept the call to 911 as notification. Others require direct notification. Contact your LEPC in advance to find out their requirements.

## Written Follow-up Report

Written follow-up report forms that are specified in the table are required by regulation. The DEQ has developed a generic written report form called “Spill or Release Report” (EQP 3465) that can be used to report releases of:

- Hazardous and extremely hazardous substances under SARA Title III,
- Hazardous waste under NREPA Part 111,
- Liquid industrial waste under NREPA Part 121,
- Hazardous substances under NREPA Part 201, and
- Polluting materials under NREPA Part 31, Part 5 Rules.

### Hot Tip!

Use the generic Spill or Release Report form to record *initial* notifications.

Links to the release reporting forms and chemical lists referenced in the table are available on the DEQ SARA Title III Release Reporting website. Visit this site for updated DEQ and LEPC contact information.

**NOTE:** Executive Order 2012-14 transferred the DEQ storage tank program to the Bureau of Fire Services in LARA effective December 2, 2012. Phone numbers and email addresses associated with the storage tank program and staff have not changed.

For information regarding a specific regulation, contact the agency specified in the “notes” column of the table. If this is a DEQ division, contact the *district* division office.

General questions or comments regarding this table should be directed to the DEQ Environmental Assistance Center at 800-662-9278 or [deq-assist@michigan.gov](mailto:deq-assist@michigan.gov).

DEQ program information is available at [www.michigan.gov/deq](http://www.michigan.gov/deq) or you may contact the DEQ Environmental Assistance Center.

DEQ Release Reporting website:  
[www.michigan.gov/chemrelease](http://www.michigan.gov/chemrelease)

*Acronyms are defined at the end of the table.*

## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p>SARA Title III Section 304 40 CFR 355.40 (<b>EHS &amp; Hazardous Substances</b>)</p>	<p>Release of a CERCLA <b>hazardous</b> substance (40 CFR 302, Table 302.4) or <b>Extremely Hazardous</b> Substance (EHS) (40 CFR 355, Appendix A) from a facility (all buildings, equipment, etc. located on a single site or adjacent sites owned or operated by the same person) at which a hazardous chemical (as defined under 29 CFR 1910.1200(c)) is used, produced or stored (including motor vehicles, rolling stock, and aircraft) in a quantity equal to or greater than its corresponding reportable quantity in any 24-hr period that migrates beyond the facility boundaries.</p> <p>Includes continuous release reportable under CERCLA Section 103.</p> <p>Excludes release that is federally permitted or that results in exposure to persons solely within the boundaries of the facility. See 67 FR 18899 (4/17/02) for guidance on the CERCLA federally permitted release definition for certain air emissions.</p> <p>Does not apply to the application, handling, and storage by an agricultural producer of a pesticide product registered under FIFRA.</p> <p>Excludes release &lt; 1000 lbs of NOx released to the air from combustion or combustion-related activities.</p>	<p>Immediate (within 15 minutes after discovery): to LEPC(s) of any area(s) potentially affected, and SERC (DEQ PEAS line accepts notification on behalf of SERC) by owner or operator.</p> <p>Continuous releases must be identified as such and are reported initially and when there is a significant change in the release.</p> <p>See 73 FR 76948 (12/18/08): Only CAFOs are required to report continuous releases to the air from animal waste.</p> <p>Transportation related releases can be reported to 911.</p>	<p>As soon as practicable (within 30 days) after release: to LEPC(s) and SERC.</p> <p>Not required for releases that occur during transportation or from storage incident to transportation.</p> <p>For continuous releases: Initial written within 30 days after initial telephone notification: to LEPC(s) and SERC.</p> <p>Michigan SARA Title III Program accepts reports on behalf of the SERC.</p>	<p>PEAS: 800-292-4706</p> <p>Contact your LEPC for a phone number to report releases.</p> <p>Call 911 if your LEPC is not active.</p> <p>For further information &amp; LEPC contact information, contact Michigan SARA Title III Program 517-284-7272</p>
<p>CERCLA Section 103 40 CFR 302 (<b>Hazardous Substances</b>)</p>	<p>Release into the environment of a CERCLA <b>hazardous</b> substance (40 CFR 302, Table 302.4) or hazardous constituent in a mixture or solution (including hazardous waste streams) from a vessel or facility (any building, structure, etc. including motor vehicles, rolling stock, aircraft, pipe, pipeline, well, pond, lagoon, impoundment, ditch, landfill, or site where a hazardous substance has come to be located) in a quantity equal to or greater than its corresponding reportable quantity in any 24-hour period.</p> <p>Excludes petroleum, including oil, or any fraction thereof.</p> <p>See 40 CFR 302.6 for notification requirements for radionuclide releases.</p> <p>Includes continuous release: occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations or treatment processes.</p> <p>See 67 FR 18899 (4/17/02) for guidance on the CERCLA federally permitted release definition for certain air emissions. See 71 FR 58525 (10/4/06) re Exemption for NOx releases to the air of &lt; 1000 lbs from combustion or combustion-related activities.</p> <p>Does not apply to the application, handling, and storage by an agricultural producer of a pesticide product registered under FIFRA.</p>	<p>Immediate (within 15 minutes after discovery): to NRC by person in charge of vessel or offshore or onshore facility.</p> <p>Continuous releases must be identified as such and are reported initially and when there is a significant change in the release.</p> <p>See 73 FR 76948 (12/18/08) re Exemption from reporting continuous releases to the air from animal waste.</p>	<p>For continuous releases only: Initial written within 30 days after initial telephone notification &amp; Follow-up within 30 days of first anniversary of initial written notification: to EPA Region 5.</p>	<p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>For further information contact Michigan SARA Title III Program 517-284-7272 or EPA's Superfund, TRI, EPCRA, RMP, and Oil Information Center 800-424-9346</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations.**

**Additional reporting requirements** might be found in **permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.





## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
NREPA 1994 PA 451 Part 201, <b>Environmental Remediation</b>	<p>(i) Unpermitted release into the environment over a 24-hour period of a <b>hazardous</b> substance (<i>July 1, 2012, edition</i> of the CERCLA list, 40 CFR 302, Table 302.4) in a quantity equal to or greater than its corresponding reportable quantity.</p> <p>Does not include release solely from UST systems regulated under Part 213, and release solely from disposal area licensed under Part 115 and discovered through disposal area's hydrogeological monitoring plan.</p> <p>Release of substance regulated by MI Dept of Agriculture &amp; Rural Development (MDARD) (fertilizer, soil conditioner, or pesticide) excluding normal agricultural practices: <i>also</i> report to MDARD.</p>	<p>Within 24 hours after discovery:                      to DEQ-RRD district office                      (PEAS after hours)                      by                      owner or operator or person                      holding easement interest.</p> <p>Report agricultural release to                      MDARD.</p>	<p>Upon request:                      Provide a response activity plan                      to DEQ-RRD district supervisor.</p>	<p>PEAS: 800-292-4706</p> <p>MDARD Agriculture                      Pollution Emergency                      Hotline: 800-405-0101</p> <p>For further information                      contact DEQ-RRD</p>
NREPA 1994 PA 451 Part 201, <b>Environmental Remediation</b> (Continued)	<p>(ii) The owner or operator has reason to believe that one or more <b>hazardous</b> substances are migrating or have migrated from his or her property and are present beyond the property boundary at a concentration in excess of cleanup criteria for unrestricted residential use.</p> <p>(iii) The release is a result of an activity that is subject to permitting under NREPA Part 615 and the owner or operator is not the owner of the surface property and the release results in <b>hazardous</b> substance concentrations in excess of cleanup criteria for unrestricted residential use.</p> <p>Hazardous substance means a hazardous substance defined in CERCLA (40 CFR 302), hazardous waste as defined in NREPA part 111, petroleum as defined in NREPA part 213, or any substance demonstrated to pose an unacceptable risk to public health, safety, welfare, or the environment.</p> <p>Cleanup criteria for unrestricted residential use means criteria that satisfy the requirements in section 20120a(1)(a) or (16); or as defined under NREPA part 213.</p>	<p>Within 30 days after discovery:                      to DEQ-RRD district office                      and                      owners of property to which                      hazardous substances migrated or                      owner of surface property                      by                      owner or operator of property                      where release occurred.</p> <p>Specific form required for:                      "Notice of Migration of                      Contamination" (Form                      EQP4482).</p>	<p>Upon request:                      Provide a response activity plan                      to DEQ-RRD district supervisor.</p>	<p>For further information                      contact DEQ-RRD</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations. Additional reporting requirements** might be found **in permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p style="text-align: center;">NREPA 1994 PA 451 Part 83, Pesticide Control Regulation 640, Commercial Pesticide Bulk Storage <b>(Agricultural)</b></p>	<p>Release to the environment of a commercial <b>pesticide</b> &gt;5 gallons or 100 pounds.</p> <p>Reportable agrichemical spills as defined in the provisions of SARA Title III section 304 and CERCLA section 103 shall be immediately reported to PEAS and the NRC.</p> <p>The term “release” excludes normal agricultural practices.</p>	<p style="text-align: center;">Immediate: to PEAS*</p> <p style="text-align: center;">Also notify NRC for spills reportable under SARA Title III &amp; CERCLA.</p> <p style="text-align: center;">*MDARD prefers direct notification to their hotline. PEAS forwards all agriculture calls to MDARD.</p>	<p style="text-align: center;">Within 90 days: to MDARD Pesticide and Plant Pest Management Div. a revised site plan.</p>	<p>MDARD Agriculture Pollution Emergency Hotline: 800-405-0101</p> <p>PEAS: 800-292-4706</p> <p style="text-align: center;">NRC 800-424-8802 or online at www.nrc.uscg.mil</p> <p>For further information contact MDARD 517-284-5644</p>
<p style="text-align: center;">NREPA 1994 PA 451 Part 85, Fertilizers Regulation 641 Commercial Fertilizer Bulk Storage Regulation 642, On Farm Fertilizer Bulk Storage <b>(Agricultural)</b></p>	<p>Release to the environment of a commercial <b>fertilizer</b> &gt;55 gallons liquid or 650 pounds dry, or tank overfills; or an on farm fertilizer &gt; 55 gallons liquid.</p> <p>For storage tank with bladder system instead of diking: also report all overfills and internal spills.</p> <p>The term “release” excludes normal agricultural practices. The term “liquid fertilizer” excludes anhydrous ammonia.</p>	<p style="text-align: center;">Immediate: to MDARD by commercial bulk storage facility personnel</p> <p style="text-align: center;">(For farms, the regulation does not specify who makes the report.)</p>	<p style="text-align: center;">Not required.</p>	<p>MDARD Agriculture Pollution Emergency Hotline: 800-405-0101</p> <p>For further information contact MDARD 517-284-5644</p>
<p style="text-align: center;"><b>Fire Prevention Code</b> 1941 PA 207 Section 29.5g</p>	<p>A fire, explosion, spill, leak, accident, or related occurrence that involves the transportation, storage, handling, sale, use, or processing of hazardous material by a firm, person, or vehicle.</p> <p><b>Hazardous</b> material = explosives, pyrotechnics, flammable gas, flammable compressed gas, flammable liquid, nonflammable compressed gas, combustible liquid, oxidizing material, poisonous gas or liquid, LPG, or irritating, etiologic, radioactive, or corrosive material.</p> <p>Act 207 amended 6/19/2006. The State Fire Marshall is in LARA, Bureau of Fire Services.</p>	<p>Immediately following incident, report known details regarding incident: to LARA Bureau of Fire Services <i>and</i> organized local fire department by owner of firm or vehicle or the person <i>and</i> the chief of first police or organized fire dept upon scene of incident.</p>	<p style="text-align: center;">Not required.</p>	<p>Contact LARA Bureau of Fire Services by calling the MSP HazMat hotline: 800-525-5555</p> <p>For further information: contact local fire department</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations. Additional reporting requirements** might be found **in permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p>49 CFR 171 <b>(Transportation of Hazardous Materials)</b></p>	<p>Initial verbal notice: Incident during transportation (including loading, unloading, temporary storage) involving (1) <b>hazardous</b> material and resulting in death, injury requiring hospitalization, public evacuation <math>\geq</math> 1 hour, major transportation artery or facility closure <math>\geq</math> 1 hour, or flight pattern alteration; (2) fire, breakage, spillage, or suspected radioactive contamination occurs involving a <b>radioactive</b> material; (3) fire, breakage, spillage or suspected contamination involving an <b>infectious</b> substance other than a regulated medical waste; (4) <b>marine pollutant</b> release exceeding 450 L (119 gal) liquid or 400 kg (882 lbs) solid; (5) other per judgment of person in possession of the hazardous material (e.g., continuing danger to life exists at scene of incident); (6) during transportation by aircraft, a fire, violent rupture, explosion or dangerous evolution of heat occurs as a direct result of a battery or battery-powered device.</p> <p>Hazardous material = CERCLA hazardous substance (40 CFR 302, Table 302.4), hazardous waste (40 CFR 262), marine pollutant (49 CFR 172.101 Appendix B), elevated temperature material, listed on Hazardous Materials Table (49 CFR 172.101), or meets criteria for hazard class/division in 49 CFR 173.</p> <p>Written follow-up report: Required for all of above, plus any unintentional release of hazardous material from a package (including tank); or any quantity of hazardous waste discharged during transportation; or structural damage to lading retention system, even if no release, on specification cargo tank with <math>\geq</math> 1000 gal capacity containing hazardous material; or undeclared hazardous material discovered.</p>	<p>As soon as practical but no later than 12 hours after occurrence of the incident: to NRC by each person in physical possession of the hazardous material.</p> <p>(A reportable incident <i>must</i> be reported by telephone, not online.)</p> <p>For infectious substances, notice may be given to the Director, Centers for Disease Control and Prevention, U.S. Public Health Service instead of NRC.</p>	<p>Within 30 days after discovery: to US DOT on DOT Form F 5800.1 (01-2004) “Hazardous Materials Incident Report.”</p> <p>Report online at <a href="https://hazmatonline.phmsa.dot.gov/incident/">https://hazmatonline.phmsa.dot.gov/incident/</a></p> <p>Report must be updated w/i 1 year of incident if: Death results from injury; hazardous material or package info on prior report misidentified; damage, loss or cost not known on prior report becomes known or changes by \$25,000 or 10%.</p> <p>See regulation for exceptions to written report.</p>	<p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>U.S. Public Health Service 800-232-0124</p> <p>For further information contact US DOT Hazardous Materials Information Center at 800-467-4922 or online at <a href="http://www.phmsa.dot.gov/hazmat">www.phmsa.dot.gov/hazmat</a></p>
<p>NREPA 1994 PA 451 Part 31, Water Resources Protection (Release to <b>surface of ground, surface water, groundwater or public sewer system</b>)</p>	<p>Unpermitted release directly or indirectly to public sewer system, surface of ground, surface water or groundwater from an oil storage facility or on-land facility of a “<b>polluting material</b>” (<b>oil, salt</b>, or any material specified in table 1 in R 324.2009) in excess of its threshold reporting quantity during any 24-hour period.</p> <p>See Part 5 rules, effective 8/31/01, for details and exemptions. HB 5586 effective 6/15/04 amended the reporting requirements.</p> <p><i>Rule revisions pending as of November 2014.</i></p>	<p>As soon as practicable after detection: to PEAS <i>and</i> 911 by owner, operator or manager.</p> <p>State agencies call 911 if release reported to them by another state or Canada.</p>	<p>Within 10 days after release: to DEQ-WRD district supervisor <i>and</i> to the local health department where the release occurred, outlining cause, discovery, response &amp; prevention of recurrence.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-WRD</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations. Additional reporting requirements** might be found **in permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p>CWA Section 311 33 CFR 153 (<b>Navigable waters</b> – Coast Guard/DOT) Control of Pollution by <b>Oil</b> and <b>Hazardous</b> Substances, Discharge Removal</p>	<p>Discharge of a harmful quantity of <b>oil</b> or a <b>hazardous</b> substance from a vessel or onshore or offshore facility into or upon navigable <b>waters</b> of the United States or adjoining <b>shorelines</b>.</p> <p>Harmful quantity = oil discharge that violates applicable water quality standards, or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or a CERCLA hazardous substance (40 CFR 302, Table 302.4) in a quantity equal to or greater than its corresponding reportable quantity.</p> <p>Oil = oil of any kind or in any form including petroleum, crude oil, petroleum refined products, sludge, oil refuse, oil mixed with wastes, etc., as well as vegetable and animal oils.</p>	<p>Immediate: to NRC by person in charge of vessel or facility.</p> <p>If direct reporting to NRC not practicable, may report to district Coast Guard or EPA predesignated OSC.</p>	<p>Not required.</p>	<p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>District 9 Coast Guard 216-902-6117</p> <p>EPA Region 5 for predesignated OSC 312-353-2318</p> <p>For further information contact EPA Region 5 at 312-353-8200 or District 9 Coast Guard at 216-902-6045</p>
<p>CWA Section 311 40 CFR 110 (<b>Discharge of Oil</b>)</p>	<p>Discharges of <b>oil</b> that violate applicable <b>water</b> quality standards, or cause a film or sheen upon or discoloration of the surface of the water or adjoining <b>shorelines</b>, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.</p> <p>Oil = oil of any kind or in any form including petroleum, crude oil, petroleum refined products, sludge, oil refuse, oil mixed with wastes, etc., as well as vegetable and animal oils.</p>	<p>Immediate: to NRC by person in charge of vessel or facility.</p>	<p>Not required.</p>	<p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>For further information contact DEQ-WRD</p>
<p>NREPA 1994 PA 451 Part 31, Water Resources Protection (<b>Sewer Systems</b>)</p>	<p>Discharge of untreated sewage or partially treated sewage from a <b>sewer system</b> onto land or into the waters of the state.</p> <p>“Sewer system” means a sewer system designed and used to convey sanitary sewage or storm water, or both.</p>	<p>Immediate (within 24 hours): to DEQ-ODWMA district office (PEAS after hours); Local health depts.; Daily newspaper circulated in source &amp; affected counties; &amp; Affected municipalities.</p>	<p>At end of discharge: to same parties notified initially on Form EQP 5857 (Rev. 12/2011) “Report of Discharges of Untreated or Partially Treated Sewage.” Includes results of E. coli testing.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-ODWMA</p>
<p>NREPA 1994 PA 451 Part 41, <b>Sewerage Systems</b></p>	<p>Discharges of pollutants from <b>sewerage systems</b> (which can include combined sewers) in excess of those authorized by a discharge permit issued by the DEQ to surface water or groundwater as a result of a facility breakdown or emergency.</p> <p>Sewerage systems handle sanitary sewage or other industrial liquid wastes.</p>	<p>Promptly: to DEQ-ODWMA district office (PEAS after hours) by owner.</p>	<p>Within 72 hours: to DEQ-ODWMA district supervisor, outlining cause, discovery, corrective actions taken to minimize impact, restore operations, and eliminate future unpermitted discharges.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-ODWMA</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations. Additional reporting requirements** might be found **in permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p>NREPA 1994 PA 451 Part 211, <b>Underground Storage Tanks</b> Part 213, Leaking Underground Storage Tanks</p>	<p>Releases of a <b>regulated substance</b> of any amount from underground storage tank (UST) systems (includes the emergency shutoff valve on down) subject to registration; overflow from UST fillpipe or vent onto ground; release from aboveground pipe attached to UST system.</p> <p>Regulated substance = petroleum or CERCLA hazardous substance (40 CFR 302, Table 302.4) or substance listed in CAA title 1 part A sect 112. Petroleum includes, but is not limited to, crude oil, motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, and petroleum solvents.</p>	<p>(Part 211) Within 24 hours after discovery: to LARA Bureau of Fire Services, Storage Tank Division by email, or fax on Form EQP 3826 (Rev. 4/12) If free product, Form EQP 3800 (Rev 02/2003) required by UST owner or operator, or employee of owner or operator.</p> <p>Includes releases discovered years after UST system removed</p>	<p>(Part 213) At 180 days Initial Assessment Report on Form EQP3841 (Rev. 02/2003) if not closed; at 365 days Final Assessment Report on Form EQP3842 (Rev. 11/2006) if still not closed; at closure Closure Report on Form EQP3843 (Rev. 02/2003) to DEQ-RRD district project manager.</p>	<p>Email: <a href="mailto:deq-std-tanks@michigan.gov">deq-std-tanks@michigan.gov</a> Fax: 517-335-2245</p> <p>For further information contact DEQ-RRD or phone 800-MICHUST</p>
<p>NREPA 1994 PA 451 Part 111, <b>Hazardous Waste</b> Management (Generators; Treatment, Storage &amp; Disposal Facilities (TSDF); Transporters)</p>	<p>Any amount of characteristic <b>hazardous waste</b> or listed hazardous waste (as defined in R 299.9203 "Hazardous Waste Rule 203") reaches the surface water or groundwater, or A fire, explosion, or other release of hazardous waste or hazardous waste constituent occurs that could threaten human health or the environment. or A release of &gt;1lb (or ≤1lb if not immediately cleaned up) hazardous waste to the environment from a tank system or associated secondary containment system.</p> <p>Additional hazardous waste reporting requirements under NREPA Part 201 and CERCLA.</p> <p>NREPA Part 111 requires transporters to comply with 49 CFR 171 and 33 CFR 153.</p>	<p>Immediate: to PEAS (or for Tank systems/secondary containment, within 24 hours of discovery: to DEQ-OWMRP)</p> <p>and to NRC if threat to human health or environment outside facility by generator, or owner or operator of TSDF, or transporter.</p>	<p>For large quantity generators and TSDF: Within 15 days after incident IF the contingency plan had to be implemented: to DEQ-OWMRP.</p> <p>For tank/secondary containment systems: Within 30 days of discovery: to DEQ-OWMRP.</p> <p>For transporters: to US DOT if required per 49 CFR 171.</p>	<p>PEAS: 800-292-4706</p> <p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>For further information contact DEQ-OWMRP</p>
<p>NREPA 1994 PA 451 Part 121, <b>Liquid Industrial Waste</b></p>	<p>The <b>liquid industrial waste</b> spill could threaten public health, safety, welfare, or the environment, or has reached surface water or groundwater.</p> <p>Liquid industrial waste includes nonhazardous brine, by-product, industrial wastewater, leachate, off-spec commercial chemical product, sludge, sanitary or storm sewer clean-out residue, grease trap clean-out residue, spill residue, used oil, or other liquid waste not regulated by other laws.</p>	<p>Immediate: to PEAS and local authorities by generator, transporter, or owner or operator of facility.</p> <p>Refer to MCL 324.12111(1) for required report elements</p>	<p>Prepare within 30 days after incident. Submit upon request: to DEQ-OWMRP district supervisor.</p> <p>Refer to MCL 324.12111(1) for required report elements</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-OWMRP</p>
<p>NREPA 1994 PA 451 Part 55, <b>Air Pollution</b> Control</p>	<p>Abnormal condition, start-up, shutdown, or malfunction that results in emissions exceeding permissible (in rule, permit or order) levels of <b>hazardous air pollutants</b> (HAPs) (CAA Sect. 112(b)) or <b>toxic air contaminants</b> (as specified in permit) for &gt; 1 hour, or any air contaminant for &gt; 2 hours.</p> <p>Written follow-up report only required for emission exceedences lasting &gt; 2 hours.</p>	<p>As soon as possible, but not later than 2 business days after discovery: to DEQ-AQD district office (PEAS after hours) by owner or operator.</p>	<p>Within 10 days after start-up, shutdown, or abnormal condition, malfunction corrected. Or within 30 days of abnormal condition, malfunction discovery- whichever first: to DEQ-AQD district supervisor.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-AQD</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations.**

**Additional reporting requirements** might be found in **permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p>NREPA 1994 PA 451 Part 55, <b>Air Pollution Control</b> (Permit to Install Exemptions)</p>	<p>Emergency venting of <b>natural gas</b> from transmission and distributions systems or <b>field gas</b> from gathering lines in amounts &gt; 1,000,000 standard cubic feet per event.</p> <p>Emergency = unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately. See R 336.1285(mm), effective 6/20/2008, for details.</p>	<p>Within 24 hours of the event: to PEAS by owner or operator.</p>	<p>Not required.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-AQD</p>
<p>Public Health Code 1978 PA 368 Part 133, <b>Dry Cleaning</b></p>	<p>Condition or incident presents a threat or hazard to <b>public health</b> or safety.</p>	<p>Immediate: to DEQ-AQD district office (PEAS after hours) by owner or operator.</p>	<p>Within 30 days after incident: To DEQ-AQD district supervisor.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-AQD</p>
<p>NREPA 1994 PA 451 Part 615, Supervisor of Wells (<b>oil and gas production fields</b>)</p>	<p>A loss, spill or release of (1) any amount of <b>brine, crude oil, or oil or gas field waste</b> <i>unless</i> it is less than 42 gallons and occurs while an authorized representative is on site and is completely contained and cleaned up within 1 hour,  or (2) any unpermitted amount of <b>natural gas</b>, or (3) <b>chemicals</b> used in association with oil and gas activities.</p>	<p>Within 8 hours after discovery of: 42 gallons or more of brine, crude oil, or oil or gas field waste, or any amount of chemical or natural gas, or; less than 42 gallons if the spill contacts surface water, groundwater, or other environmentally sensitive resources, or is not completely contained and cleaned up within 48 hours: to DEQ-OOGM district office (PEAS after hours) by permittee.</p>	<p>Within 10 days after discovery of loss or spill: to DEQ-OOGM district supervisor on Form EQP-7233 (Rev 1/2012) "Report of Loss or Spill." by permittee</p> <p>Written report only for less than 42 gallons of brine, crude oil, or oil and gas field waste if spill does not contact surface water, groundwater, or other environmentally sensitive resources, and is completely contained and cleaned up within 48 hours.</p>	<p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-OOGM</p>
<p>49 CFR 191 Transportation of Natural and Other Gas by Pipeline</p>	<p>An incident, meaning: (1) Event that involves a release of <b>gas</b> from a pipeline, or of liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility that results in: Death or hospitalization; or Property damage <math>\geq</math> \$50,000; or estimated gas loss of <math>\geq</math> three million cubic feet. (2) Event that results in emergency shutdown of LNG facility. (3) Significant event per operator.</p> <p>Written Incident reports not required for LNG facilities.</p> <p>Applies to pipeline systems and the transportation of gas through those systems in or affecting interstate or foreign commerce. (See 49 CFR 191.3 for details.)</p>	<p>Earliest practicable moment following discovery: to NRC by operator.</p> <p>Notification must electronic unless there is a safety-related condition to report.</p>	<p>As soon as practicable, and within 30 days after discovery: to US DOT. on DOT Form PHMSA F 7100.1 "Incident Report – Gas Distribution System." or PHMAS F 7100.2 "Incident Report – Gas Transmission and Gathering Systems" or PHMSA F 7100.3 "Incident Report – Liquefied Natural Gas (LNG) Facilities"</p> <p>Supplemental report filed as necessary as soon as practicable.</p>	<p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>For further information contact US DOT Pipeline Safety Information Center at 202-366-4595 or online at <a href="http://ops.dot.gov">http://ops.dot.gov</a></p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations.**

**Additional reporting requirements** might be found in **permits**, licenses, registrations, **contingency and pollution prevention plans**, and local ordinances.



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
<p>49 CFR 195 Transportation of <b>Hazardous Liquids by Pipeline</b></p>	<p>Release of hazardous liquid (<b>petroleum, petroleum products, or anhydrous ammonia</b>) or <b>carbon dioxide</b> from a pipeline system that results in any of the following: (a) Explosion or fire; (b) Release of <math>\geq 5</math> gallons (except if <math>&lt; 5</math> barrels released due to maintenance and release not otherwise reportable, confined to property, does not pollute water, and cleaned up promptly); (c) Death of any person; (d) Injury requiring hospitalization; or (e) Property damage <math>&gt; \\$50,000</math>. (See 49 CFR 195.50, revised 1/8/02, for details)</p> <p>Applies to pipeline facilities and the transportation of hazardous liquids associated with those facilities in or affecting interstate or foreign commerce. (See 49 CFR 195.1 for details.)</p>	<p>Earliest practicable moment following discovery: to NRC by operator if Release caused: Death or hospitalization; Fire or explosion; Property damage; Water pollution; or was Significant per the operator.</p>	<p>As soon as practicable, and within 30 days after discovery: to US DOT on DOT Form PHMSA F 7000-1 "Accident Report – Hazardous Liquid Pipeline Systems"</p> <p>Supplemental report must be filed within 30 days after operator receives changes or additions to original report.</p>	<p>NRC 800-424-8802 or online at <a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a></p> <p>For further information contact US DOT Pipeline Safety Information Center at 202-366-4595 or online at <a href="http://ops.dot.gov">http://ops.dot.gov</a></p>
<p>1978 PA 368 Part 135, <b>Radiation Control</b></p>	<p>For any emergency. Or for incident involving naturally occurring or accelerator produced <b>radioactive material</b>- Immediate notice if: Incident may have caused or threatens to cause: dose to body 25 rems, to skin 150 rems, to extremities 375 rems (per rule 247); 24 hour concentration exceeds 5000 times limits specified in table II of rules 261 to 269; contamination causes operation shut down for 1 week, or property damage <math>&gt; \\$100,000</math>.</p> <p>Notice within 24 hours if: Incident may have caused or threatens to cause: dose to body 5 rems, to skin 30 rems, to extremities 75 rems (per rule 247); 24 hour concentration exceeds 500 times limits specified in table II of rules 261 to 269; contamination causes operation shut down for 1 day, or property damage <math>&gt; \\$1000</math>.</p>	<p>Immediate or within 24 hours (see reporting criteria): to DEQ-OWMRP Radiological Protection Section (PEAS after hours) or MSP Operations Division for all <b>Power Plant</b> related incidents (day or night). by licensee or registrant.</p>	<p>Within 30 days after release: to DEQ-OWMRP Radiological Protection Section by licensee or registrant.</p> <p>Written report also required if level of radiation or concentration of radioactive material in unrestricted area <math>&gt; 10</math> times any applicable limit.</p> <p>See Rule 250 (R 325.5250) for required report content.</p>	<p>DEQ-OWMRP Radiological Protection Section 517-284-5185</p> <p>MSP Operations Div 517-241-8000</p> <p>PEAS: 800-292-4706</p> <p>For further information contact DEQ-OWMRP Radiological Protection Section</p>
<p>10 CFR 20 (Standards for Protection Against <b>Radiation</b>)</p>	<p>For incident involving source, by-product, or special nuclear <b>radioactive material</b>- Immediate notice if: Event that may have caused or threatens to cause: effective dose equivalent to individual 25 rems, lens dose equivalent 75 rems, shallow-dose equivalent to skin or extremities 250 rads; individual could receive 5 times annual limit on intake in 24 hours. OR Any lost, stolen, or missing licensed material in an aggregate quantity equal to or greater than 1000 times the quantity specified in appendix C to part 20 under such circumstances that it appears to the licensee that an exposure could result to persons in unrestricted areas.</p> <p>Notice within 24 hours if: Event that may have caused or threatens to cause: an individual in 24 hours to receive effective dose equivalent <math>&gt; 5</math> rems, lens dose equivalent <math>&gt; 15</math> rems, shallow-dose equivalent to skin or extremities <math>&gt; 50</math> rems; individual could receive <math>&gt; 1</math> times annual limit on intake in 24 hours.</p>	<p>Immediate or within 24 hours (see reporting criteria): to USNRC by USNRC Licensee responsible for the incident.</p>	<p>Within 30 days of incident: to USNRC by licensee.</p> <p>Report content specified in 10 CFR 20.2003</p> <p>Written report also required for occurrences as specified in 10 CFR 20 Section 20.2203 and after the occurrence of any lost, stolen, or missing licensed material becomes known to the licensee, and if at the time the report is filed all licensed material in a quantity greater than 10 times the quantity specified in appendix C to part 20 is still missing.</p>	<p>US Nuclear Regulatory Commission (USNRC) 301-816-5100</p> <p>For further information contact DEQ-OWMRP Radiological Protection Section 517-284-5185</p>

NOTE: If the release is a **THREAT TO HUMAN HEALTH or SAFETY**, call 911 or your local fire department.

\*This table covers only those reporting requirements found in rules and regulations that apply in Michigan. **Releases might be reportable under multiple regulations.**

**Additional reporting requirements** might be found in **permits, licenses, registrations, contingency and pollution prevention plans, and local ordinances.**



## Release Notification Requirements in Michigan\*

Act & Regulation	Reporting Criteria	Initial Notification	Written Follow-up Report	Notes
MIOSHA 1974 PA 154 Section 61, Records & Reports; Notice of <b>Fatalities or Hospitalization</b>	A release that results in a <b>fatality</b> within 30 days of the incident or in-patient <b>hospitalization</b> within 24 hours of the incident.  Note: the OSHA amendment to require employers to report all work-related hospitalizations within 24 hours becomes effective Jan 1, 2015. Michigan intends to adopt the new rules by reference within 6 months of the Sept 18, 2014 FR publication.	Within 8 hours: for a fatality or Within 24 hours: for hospitalization to MIOSHA Hotline by Employer.	Not required.	MIOSHA Fatality or Catastrophe Hotline 800-858-0397  For further information contact LARA-MIOSHA 517-322-1831
TSCA 40 CFR 761.125 ( <b>PCBs</b> )	Spills of <b>PCBs</b> at concentrations of 50 ppm or more and subject to decontamination requirements under TSCA that: contaminate surface water, sewers, drinking water supplies, grazing lands or vegetable gardens, or exceed 10 pounds.  (TSCA specifies that these requirements are in addition to any under CWA or CERCLA. e.g. CERCLA requires spills of 1 pound or more to be reported to NRC.)	As soon as possible after discovery, and within 24 hours: to EPA Region 5.	Not required to be submitted. Records of cleanup and certification of decontamination shall be documented.	EPA Region 5 Corrective Action Section 312-886-7890  For further information contact EPA Region 5 Corrective Action Section
SARA Title III Section 313 40 CFR 372 ( <b>Toxic chemical</b> release reporting)	Covered facilities as defined in 40 CFR 372 subpart B are subject to <b>toxic</b> chemical release reporting for toxic chemicals and chemical categories listed in 40 CFR 372 subpart D.	Not applicable.	Annually by July 1: to EPA & SERC on EPA's Form R "Toxic Chemical Release Inventory Reporting Form" (EPA Form 9350-1, Rev.10/2011)  Report aggregate releases (permitted & unpermitted)	Michigan SARA Title III Program accepts reports on behalf of SERC  For further information contact Michigan SARA Title III Program 517-284-7272

*Table prepared by the Michigan SARA Title III Program in the DEQ*

### Acronyms used in table:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| AQD = Air Quality Division<br>AST = Above Ground Storage Tank<br>CAA = Clean Air Act<br>CAFO = Concentrated Animal Feeding Operation<br>CERCLA = Comprehensive Environmental Response, Compensation and Liability Act of 1980<br>CFR = Code of Federal Regulations<br>CWA = Clean Water Act<br>DEQ = Michigan Department of Environmental Quality<br>DOT = Department of Transportation<br>EHS = Extremely Hazardous Substance<br>EPA = U. S. Environmental Protection Agency<br>EPCRA = Emergency Planning & Community Right-to-Know Act<br>FIFRA = Federal Insecticide, Fungicide, & Rodenticide Act<br>FL/CL = Flammable and combustible liquids<br>FR = Federal Register<br>HAP = Hazardous Air Pollutant | HazMat = Hazardous Materials<br>HB = House Bill<br>LARA = Michigan Department of Licensing & Regulatory Affairs<br>LEPC = Local Emergency Planning Committee<br>LNG = Liquefied Natural Gas<br>LPG = Liquefied Petroleum Gas<br>MCL = Michigan Compiled Laws<br>MDARD = Michigan Department of Agriculture & Rural Development<br>MIOSHA = Michigan Occupational Safety and Health Administration<br>MSP = Michigan Department of State Police<br>NRC = National Response Center (U.S. Coast Guard)<br>NREPA = Natural Resources & Environmental Protection Act<br>ODWMA = Office of Drinking Water & Municipal Assistance<br>OOGM = Office of Oil, Gas, and Minerals<br>OPS = Office of Pipeline Safety (US DOT)<br>OSC = On Scene Coordinator<br>OWMRP = Office of Waste Management & Radiological Protection | PA = Public Act (Michigan)<br>PCB = Polychlorinated biphenyl<br>PEAS = Pollution Emergency Alerting System<br>PHMSA = Pipeline & Hazardous Materials Safety Administration<br>RMP = Risk Management Program<br>RRD = Remediation and Redevelopment Division<br>SARA = Superfund Amendments and Reauthorization Act of 1986<br>SERC = State Emergency Response Commission<br>TRI = Toxic Chemical Release Inventory<br>TSCA = Toxic Substance Control Act<br>TSDF = Treatment, Storage & Disposal Facility<br>US DOT = U.S. Department of Transportation<br>USNRC = U. S. Nuclear Regulatory Commission<br>UST = Underground Storage Tank<br>WRD = Water Resources Division |
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## **APPENDIX D**

### **NATURALLY OCCURRING PHENOMENON BROCHURES**



## Algae: A Naturally-Occurring Phenomena

The Department of Environmental Quality often receives complaints of the presence of scum on a lake or that someone has dumped red, bright green, black or bluish-green paint, paint oil, or even antifreeze, into a lake, river, or stream. This phenomenon is often due to the presence of algae rather than the discharge of some type of substance.

Algae are simple plants that live in oceans, lakes, rivers, ponds, and moist soil. Algae grow in many forms. Some are microscopic and consist of just one cell and others are made up of many cells that form strands or colonies. Algae are less evolved than aquatic plants as they lack a true root, leaf, and stem system. Some algae species drift or swim, while others are attached to stones or aquatic plants in the water. All algae contain chlorophyll (a green pigment). They help purify the air and water by the process of photosynthesis.



Some algae multiply rapidly in polluted lakes and rivers. Thick layers of algae, called algal blooms, may form when nutrients (mainly phosphorus and nitrogen) are added to the water in amounts in excess of naturally-occurring nutrients. Fertilizers, pet waste, improperly functioning septic tanks, grass clippings, leaves, and other yard wastes are all sources of nutrients. The increased algae population sometimes upset the natural balance of life in water because during algae decomposition, oxygen is removed from the water and this may cause fish to die.



Algae are generally grouped according to color. The color is based upon the chlorophyll and other pigments found in the algae cells. Blooms of algae can give the water an unpleasant taste or odor, reduce clarity, and color the water body a vivid green, brown, yellow, or even red, depending on the species of algae.

### Blue-Green Algae

The cells of blue-green algae are different from the other algae. Most blue-green algae can be seen only with a microscope and often smells badly. Besides chlorophyll, they contain blue or red pigments. Although lakes with large numbers of blue-green algae usually appear blue-green in color, the combination of pigments can cause some blooms to appear reddish, brownish, or even black. Unlike other algae which use nitrogen available in the water, many blue-green algae species can use nitrogen from the air as a nutrient source. Due to this ability, blue-green algae blooms most often occur in late summer when the nitrogen in the water is usually lower. A few species of blue-green algae form slippery, dark coatings on rocks along rivers and lakeshores, while other species of blue-green algae are toxic and can poison animals that drink water containing these organisms.



*Notice the different color appearances due to pigments.*



### Green Algae

Green algae occur in fresh water in a free-floating form. Most species are microscopic and live in lakes, ponds, and streams. Large quantities of such algae may color an entire lake and appear like green paint. Green algae blooms are often found during early to mid-summer months. However, some lakes have been known to reflect a green color during a “whiting event” not related to algae bloom. This event does not produce thick surface algae mats.

If you find pollution and believe it is human-induced, please report it to the State of Michigan’s Pollution Emergency Alerting System (PEAS) hotline: 1-800-292-4706.

For more information, including tips to help reduce the amount of nutrients that can enter a lake from your home activities, please contact any Surface Water Quality Division district office or call the State of Michigan's Environmental Assistance Center at 1-800-662-9278.

This publication was developed through the cooperative efforts of the Environmental Assistance and Surface Water Quality Divisions, Michigan Department of Environmental Quality, 800-662-9278.

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the Office of Personnel Services, PO Box 30473, Lansing, MI 48909.



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Michigan Department of Environmental Quality



# Algae



**John Engler, Governor** ♦ **Russell J. Harding, Director**

## Oil-Like Films and Slimes (Bacteria): A Naturally-Occurring Phenomena

The Department of Environmental Quality often receives complaints claiming that “someone dumped paint or a rust-colored substance” or that there is an unnatural colored oil-like sheen in moist areas or in a water body. Some oil-like films, coatings, and slimes, although they may look bad, are natural phenomena. These phenomena are caused by single-celled organisms called bacteria.

Slimes, films, and rock coatings can be found anywhere that groundwater carry minerals such as iron, manganese, copper, and sulfur. Slimes, oil-like films, and rock coatings are often made by bacteria that are reacting to the presence of minerals in the water. Bacteria live in wet areas, including: on the water surface, in the water column, and in the lake sediment. Some bacteria are getting energy and some are performing other life functions by transforming minerals to different chemical forms. These bacteria are of no threat to human health and have been involved in the iron and manganese cycles for billions of years. Some bacteria are very useful because they remove harmful materials from water.



*A bacteria film is on the water: notice the broken appearance.*

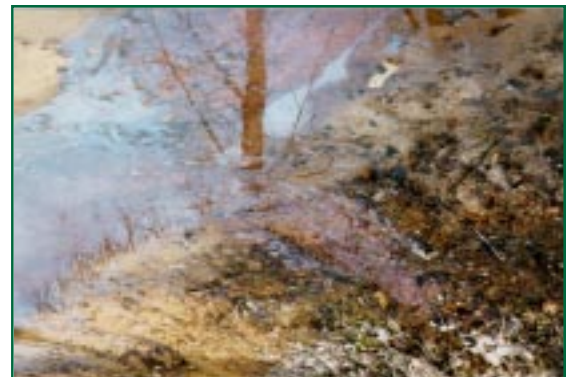
Bacteria create oil-like films when they attach themselves to the water surface. Sunlight bounces off the films, giving them an oily appearance. To test the difference between a bacterial film and oil floating on the water, break the film. If the film stays broken, it is a natural bacterial film. If it flows back into place, it is petroleum, which indicates pollution.



*Notice the purple (sulfur).*

Bacteria produce different color films, coatings, and slimes. Bacteria that precipitate (take out of water as a solid) copper minerals may make turquoise blue films. Green and purple bacterial slimes may appear when sulfur is present, while white slimes occur in the presence of aluminum, sulfur, or calcium minerals.

If you find pollution and believe it is human-induced, please report it to the State of Michigan’s Pollution Emergency Alerting System (PEAS) hotline at 1-800-292-4706. For more information please contact any Surface Water Quality Division district office or call the State of Michigan’s Environmental Assistance Center at 1-800-662-9278.



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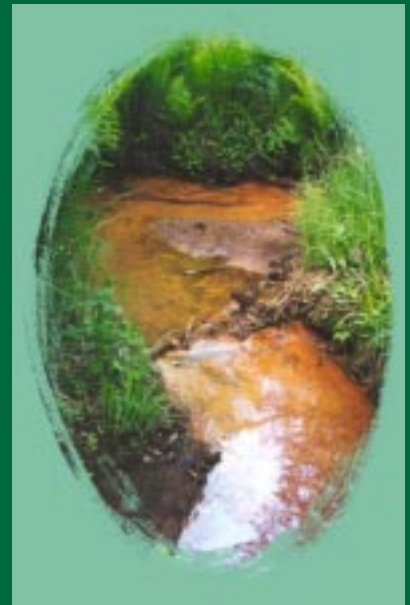
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# Bacteria



**John Engler, Governor ♦ Russell J. Harding, Director**



# Bryozoan



## Bryozoan Colonies: A Naturally-Occurring Phenomena



The Department of Environmental Quality often receives complaints claiming that there are gelatinous balls, floating blobs and even “water boogers” some as large as basketballs on the lake shore or in a lake or pond. This phenomenon is due to the presence of bryozoans, also called moss animals.



Bryozoans are water animals that live in colonies made up of microscopically-connected individuals called zooids. Bryozoans are invertebrates (animals without backbones) that have a box-like or tube-shaped body, a U-shaped gut, and a cluster of tentacles to trap small particles of food. Worldwide, there are about 5,000 species of bryozoans.

Colonies of freshwater bryozoans form gelatinous ball-like masses and are commonly found in small farm ponds in water less than a meter in depth and in shallow eutrophic (nutrient enriched) lakes and open areas of swamps for brief periods. They have also been reported to wash up on shores of deep inland lakes after storms.



If you find pollution and believe it is human-induced, please report it to the State of Michigan’s Pollution Emergency Alerting System (PEAS) hotline: 1-800-292-4706. For more information, please contact any Surface Water Quality Division district office or call the State of Michigan’s Environmental Assistance Center at 1-800-662-9278.





## **Foam: A Naturally-Occurring Phenomena**

The Department of Environmental Quality often receives complaints claiming that “someone discharged laundry detergents into the lake” or that there are suds on the river or stream. This phenomenon is often the result of natural processes, not environmental pollution. Foam can be formed when the physical characteristics of the water are altered by the presence of organic materials in the water.

The foam that appears along lakeshores is most often the result of the natural die-off of aquatic plants. Plants are made up of organic material, including oils (i.e., corn oil and vegetable oil). When the plants die and decompose, the oils contained in the plant cells are released and float to the surface. Once the oils reach the lake surface, wind and wave action pushes them to the shore. The concentration of the oil changes the physical nature of the water, making foam formation easier. The turbulence and wave action at the beach introduces air into the organically enriched water, which forms the bubbles.

Foam commonly occurs in waters with high organic content such as productive lakes, bog lakes, and in streams that originate from bog lakes, wetlands, or woody areas. Oftentimes, streams that originate from woody areas will have a brown tint in the water. The brown tint is often caused by the presence of tannin, which is a substance that gives wood its brown color. The tannin is released during the decomposition of wood along with other materials that cause foaming when they are introduced in water. It is quite common to find foam in dark-colored streams, especially during late fall and winter, when plant materials are decomposing in the water.



*Naturally-occurring foam: on Stoney Creek in Southeast Michigan and on Grand River in the Jackson area.*

Some foam in water can indicate pollution. When deciding if the foam is natural or caused by pollution, consider the following:

- ◆ **Wind direction or turbulence:** natural foam occurrences on the beach coincide with the onshore winds. Often, windrows of foam can be found along a shoreline and streaks of foam may form on open waters during windy days. Natural occurrences in rivers can be found downstream of a turbulent site.
- ◆ **Proximity to a potential pollution source:** some entities such as the textile industry, paper production facilities, oil industries, and fire fighting activities work with materials that cause foaming in water. If these materials are released to a water body in large quantities, they can cause foaming. In addition, the presence of silt in water, such as from a construction site can cause foam.
- ◆ **Presence of decomposing plants or organic material in the water.**
- ◆ **Feeling:** natural foam is usually persistent, light, not slimy to the touch.

If you find pollution and believe it is human-induced, please report it to the State of Michigan’s Pollution Emergency Alerting System (PEAS) hotline at 1-800-292-4706. For more information please contact any Surface Water Quality Division district office or call the State of Michigan’s Environmental Assistance Center at 1-800-662-9278.

This publication was developed through the cooperative efforts of the Environmental Assistance and Surface Water Quality Divisions, Michigan Department of Environmental Quality, 800-662-9278.

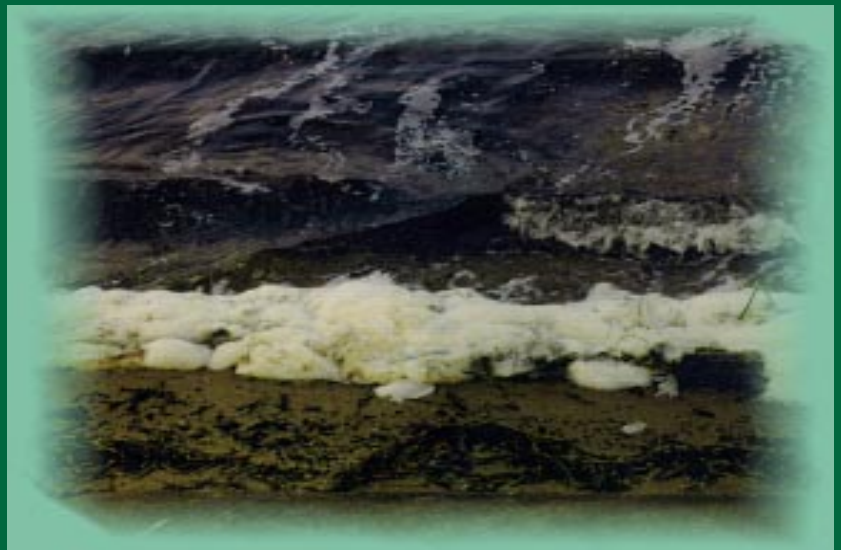
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Michigan Department of Environmental Quality



# Foam



John Engler, Governor ♦ Russell J. Harding, Director

## Pollen: A Naturally-Occurring Phenomena

Pollen from plants, especially trees like pine and cottonwood, can be found in the late spring and in summer floating on and settling in surface waters. This naturally occurring phenomenon can look like a film on the water or appear as discolored pockets in the water. Pollen has been reported to the Michigan Department of Environmental Quality as yellow paint, white paint, oil, scum, and even sludge. This phenomenon is caused by plant pollen that is distributed onto the water where it sticks and collects.

Pollen consists of tiny grains that are produced in flowering and cone-bearing plants. Pollen grains of different plant species vary in shape, size, and surface features. Most pollen grains are round or oblong and range from 15 micrometers to more than 200 micrometers wide. (Ten thousand micrometers equal one centimeter). Every grain has an outer shell, which may be smooth or wrinkled or covered with spines or knobs. This shell prevents the inner cells from drying out.

The wind has a major role in carrying pollen for plant reproduction as it blows pollen from one flower or cone to another. Plants such as maize and wheat, which are pollinated by wind, produce vast amounts of pollen—a maize plant can produce more than 18 million pollen grains. Wind pollinated plants include many trees, various crops, grasses, and nettles. The wind may carry pollen grains 90 miles or farther from the plant. On some windy days, you can actually watch the pollen being carried from trees, especially evergreens.

Some airborne particles that collect in water can indicate pollution. When deciding if the phenomenon is natural or caused by pollution, consider the following:



*Pollen washing ashore.*

- ◆ Time of year: allergy season (especially spring and summer) usually coincides with this phenomenon.
- ◆ Oil sheen: no oil sheen will be visible, only a film may appear.
- ◆ Staining: pollen usually will not stain porous material.
- ◆ Wind direction: pollen will be found downwind of the plant source. It will accumulate on the ground and on everything around, including cars and in mud puddles.
- ◆ Feeling of substance: pollen should feel coarse, not slimy to the touch.

If you find pollution and believe it is human-induced, please report it to the State of Michigan's Pollution Emergency Alerting System (PEAS) hotline at 1-800-292-4706. For more information please contact any Surface Water Quality Division district office or call the State of Michigan's Environmental Assistance Center at 1-800-662-9278.

*Special thanks and credit to Mary Hollinger, photographer, Huntingtown, Maryland.*



*Tree pollen on and in water.*

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# Pollen



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## Whiting Events (Calcium Carbonate Precipitate): A Naturally-Occurring Phenomena

The Department of Environmental Quality often receives complaints claiming that someone dumped a white milky substance into the lake. In some lakes, a naturally-occurring phenomenon makes the color of the water change from clear blue to gray or milky white. This phenomenon is often the result of natural processes, not environmental pollution.

The cause for this whiting phenomenon is the precipitation (coming out of the water as a solid) of calcium carbonate. Calcium carbonate is a white, crystalline mineral that is widely distributed in nature and is the main ingredient in limestone, marble, coral, calcite, and chalk. Whiting events occur in lakes with very high concentrations of calcium carbonate (hard water lakes) during early summer. As the calcium carbonate precipitates, it forms chalky white clouds underwater and rains calcium carbonate on the lake bottom. When the calcium carbonate particles consolidate on the lake bottom, they form a soft rock called marl.



*Marl from lake bottom (left) and calcite (large crystalline rock on right).*

In the summers of 1998 and 1999, NASA's satellite captured images of a mysterious flush of color that spread across Lake Michigan (please refer to the photo on the cover). The color change was attributed to either a whiting event or an algae bloom.

Some white material in water can indicate pollution. When deciding if the milky appearance is natural or caused by pollution, consider the following:

- ◆ Proximity to a potential pollution source. Some industries such as mining, metal cutting, salt processing, and paper manufacturing have materials that can cause water to appear milky when released into the environment. A defined waste stream into the lake could indicate a pollutant source, while a sudden change of color from within the lake may indicate a whiting event.
- ◆ The time of year. Whiting events most often occur in early to mid-summer.
- ◆ A simple field test. Gather white particles by filtering some of the lake water through a fine filter. Next, place a drop of vinegar on the filtered white particles. Bubbling or fizzing will occur in the presence of calcium carbonate. This is the same reaction that would occur if you put vinegar on baking soda.

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*Special thanks and credit to Larry Bean, rock collector, Livonia, Michigan.*

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# Whiting Events



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