

IONIA REGIONAL UTILITIES AUTHORITY
RULES AND REGULATIONS

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PREAMBLE

These Rules and Regulations are subject to, and governed by Act 233 of 1955, as amended (the “Act”), and are adopted by the Ionia Regional Utilities Authority Board with concurrence of City of Ionia, a municipal corporation in the County of Ionia, Michigan, and Berlin Township, Easton Township, Ionia Township and Orange Township, all Michigan general law townships located in the County of Ionia, (“Constituent Municipalities”).

In the event of a direct conflict between the provisions of these Rules and Regulations and the mandatory provisions of the Act, the Act will be controlling.

In the event of a direct conflict between the provisions of these Rules and Regulations and the local ordinance of any Constituent Municipality, the more stringent provisions control.

1. GENERAL PROVISIONS.

(a) Findings, Purposes and Objectives; Mandatory Connection.

(1) Purposes and Objectives. These Rules and Regulations set forth uniform requirements for the connection, use, operation, and maintenance of the Ionia Regional Utilities Authority’s (“IRUA”) wastewater treatment plant, thus enabling IRUA and its constituent municipalities to comply with all applicable state and federal laws as required by the Federal Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 USC 1251, et seq.; Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§324.3101 et seq., as amended, (“Water Resources Protection”); the General Pretreatment Regulations (40 CFR Part 403); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to section 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended. The Objective of these Rules and Regulations are:

- A. To establish standards and requirements with respect to the use of public sewers and the publicly owned treatment works (POTW);
- B. To prevent the discharge of pollutants into the POTW that will interfere with the operation of the POTW; that would pass through the POTW into the receiving waters of the state or the atmosphere; that would inhibit or disrupt the POTW’s processes, sludge reuse or disposal of sludge; that would cause health or safety problems for POTW workers and the general public; that would result in a violation of any National Pollution Discharge Elimination System (“NPDES”) permit or of other applicable laws and regulations; or that would cause injury to the public health and safety or the environment;
- C. To regulate the discharge of wastewater to the POTW through the issuance of permits and through other means of enforcement of the requirements of these Rules and Regulations;

- D. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
 - E. To authorize and require all inspections, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable laws and regulations;
 - F. To otherwise ensure compliance with state and federal laws and regulations applicable to the POTW.
 - G. These Rules and Regulations shall apply to all users of the POTW. Among other things, the Rules and Regulations explain the procedure for the issuance of wastewater discharge permits; monitoring, compliance and enforcement activities; administrative review procedures and industrial user reporting
- (b) Administration. Except as otherwise provided herein, the City, with the authorization of IRUA, administers, implements and enforces the provisions of these Rules and Regulations.
- (c) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated.
- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
 - (2) Approval authority. The State of Michigan Department of Environmental Quality or its designee.
 - (3) Authorized representative of the industrial user.
 - A. If the industrial user is a corporation, authorized representative shall mean:
 - 1. The President, Secretary, Treasurer, or a Vice-President of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation,
 - 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred and fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$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. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
 - C. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

- D. The individuals described in paragraphs (c)(3) A. to D. hereof may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City, on behalf of IRUA.
- (4) Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees Centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)).
- (5) Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (6) City. The City Manager or City designee acting on behalf of or with the authorization of IRUA to supervise the operation of the POTW and is charged with certain duties and responsibilities by these Rules and Regulations, or his or her duly authorized representative.
- (7) Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.
- (8) Composite sample. The sampling resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (9) Constituent Municipalities. City of Ionia, Berlin Township, Easton Township, Ionia Township and Orange Township.
- (10) Discharge. Any direct or indirect discharge of waste, waste effluent, wastewater, pollutant, or any combination into any of the waters of the state or upon the ground or to the POTW.
- (11) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- (12) Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (13) Grab sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

- (14) Indirect discharge or discharge. The introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.
- (15) Industrial user or Nondomestic user. An industry, commercial establishment, or other entity that discharges wastewater to the POTW, other than, or in addition to, sanitary sewage.
- (16) Instantaneous maximum allowable discharge limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (17) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore is a cause of a violation of the IRUA's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (18) Medical waste. Isolation waste, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- (19) New source.
- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
1. The building, structure, facility or installation is constructed at a site at which no other source is located;
 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors

such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (b)(18)A.1. or 2. hereof, but otherwise alters, replaces or adds to exiting process or production equipment.

C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program:

a. Any placement, assembly or installation of facilities or equipment;
or

b. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

(20) Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product or finished product.

(21) Pass through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of IRUA's NPDES permit (including an increase in the magnitude or duration of a violation).

(22) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

(23) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

(24) Pollutant.

A. Substances regulated by categorical standards;

- B. Substances discharged to the POTW that are required to be monitored, are limited in the IRUA's discharge permit, or are identified in the IRUA's permit application;
 - C. Substances for which control measures on nondomestic users are necessary to avoid restricting the IRUA's approved Residuals Management Program;
 - D. Substances for which control measures on nondomestic users are necessary to avoid operational problems at the POTW;
 - E. Substances for which control measures on nondomestic sources are necessary to avoid worker health and safety problems in the POTW; or
 - F. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (25) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.
- (26) Pretreatment requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
- (27) Pretreatment standards or standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards and local limits.
- (28) Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2(a).
- (29) Publicly Owned Treatment Works or POTW. The treatment works, as defined by applicable provisions of the CFR and the Act, that is owned and or operated by IRUA, including any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant.
- (30) s.u. Significant Units
- (31) Septic tank waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks, etc.)
- (32) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

- (33) Sanitary Sewage. Wastes from household toilet, kitchen, laundry, bathing or other facilities used for domestic purposes.
- (34) Sewer Service Lateral Line. The sewer line extending from the sewer main to the building.
- (35) Significant industrial user.
- A. A nondomestic user subject to categorical pretreatment standards; or
- B. A nondomestic user that:
1. discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 2. contributes a process waste-stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. is designated as such by the City, on behalf of IRUA, on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a nondomestic user meeting the criteria in paragraph B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- (36) Slug load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2(a) or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.
- (37) Standard industrial classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- (38) Storm water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- (39) Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

- (40) Toxic pollutant. One of the 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- (41) Treatment plant effluent. Any discharge of pollutants from the POTW into waters of the State.
- (42) User. Any person who discharges or whose premises are connected to the POTW.
- (43) Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (44) Wastewater treatment plant or treatment plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
- (d) "Shall" is mandatory; "may" is permissive or discretionary. The use of the singular shall be construed to include the plural, and the plural shall include the singular as indicated by the context of its use.
- (e) Abbreviations. The following abbreviations shall have the designated meanings:
- | | | |
|-------|---|---|
| BOD | - | Biochemical Oxygen Demand |
| CFR | - | Code of Federal Regulations |
| COD | - | Chemical Oxygen Demand |
| EPA | - | U.S. Environmental Protection Agency |
| gpd | - | gallons per day |
| l | - | liter |
| MAHL | - | Maximum Allowable Headworks Limitations |
| mg | - | milligrams |
| mg/l | - | milligrams per liter |
| NPDES | - | National Pollutant Discharge Elimination System |
| O&M | - | operation and maintenance |
| POTW | - | publicly owned treatment works |
| RCRA | - | Resource Conservation and Recovery Act |

- SIC - standard industrial classifications
- SWDA - Solid Waste Disposal Act (42 U.S.C. 6091 et seq.)
- TSS - total suspended solids
- USC - United States Code

2. GENERAL SEWER USE REQUIREMENTS.

(a) Prohibited Discharge Standards.

- (1) Prohibited substances. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirement. Furthermore, no user may contribute the following substances to the POTW:
- A. Pollutants which create a fire or explosive hazard at the POTW, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade) using the test methods specified in 40 CFR 261.21.
 - B. Any wastewater having a pH less than 6.5 s.u. or greater than 9.0 s.u., or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.
 - C. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, fat, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mid or glass grinding or polishing waste, petroleum oil, non-biodegradable oil, or products or mineral oil in amounts that will cause interference or pass through;
 - D. Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
 - E. Any wastewater having a temperature greater than 104 degrees Fahrenheit or 40 degrees Centigrade, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at

the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).

- F. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- G. Any 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.
- H. Reserved.
- I. Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry in the sewer for maintenance and repair.
- J. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the IRUA's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten (10) percent from the seasonably established norm for aquatic life.
- K. Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the City, on IRUA's behalf, in compliance with applicable State or Federal regulations.
- L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the City. Such discharges shall not in any case violate any applicable pretreatment standards (i.e., local limits).
- M. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- N. Any medical wastes, except as specifically authorized by the City on IRUA's behalf, in a wastewater discharge permit. Such discharges shall not in any case violate any applicable pretreatment standards.
- O. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- P. Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- Q. Any discharge of fats, oils, or greases of animal, vegetable or petroleum origin is limited to 100 mg/L.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

- (2) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) hereof, and the specific prohibitions in paragraphs (a)(1) C.-F., and G. hereof, where the user can demonstrate that:
- A. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
 - B. A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with subsection (d) hereof for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
 - C. A local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with subsection (d) hereof for the pollutant(s) that caused the pass through or interference, but the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the IRUA's NPDES permit requirements and, in the case of interference, with applicable requirements for sewage sludge use or disposal.
- (b) Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- (c) State Requirements. All requirements of the State of Michigan concerning Industrial Pretreatment are hereby incorporated.
- (d) Specific Pollutant Limitations. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum and instantaneous maximum allowable discharge limits. The daily maximum limits shall apply to any twenty-four (24)-hour composite sample, and the instantaneous maximum limits shall apply to any grab sample or an average of grab samples collected at uniform intervals over a twenty-four (24)-hour period. Further, the daily maximum limits and instantaneous maximum limits list the concentration at which enforcement begins. The surcharge thresholds list concentrations above which extra-strength surcharges may begin, and are less than the enforcement limits.

CONVENTIONAL PARAMETERS

Pollutant		Surcharge Threshold (mg/L)	Daily Maximum Limit	Instantaneous Maximum Limit
1)	Biochemical Oxygen Demand (BOD)	300*	490	--
2)	Total Suspended Solids	300*	570	--
3)	Phosphorus, Total	5.0*	10.0	--
4)	Nitrogen, Ammonia	20*	52	--
5)	Oil & Grease, Total	--	--	100 mg/L
6)	pH	--	--	Min. 6.5 s.u.; Max. 9.0 s.u.

METALS AND CYANIDE

Pollutant		Surcharge Threshold (mg/L)	Daily Maximum Limit	Instantaneous Maximum Limit (mg/L)
1)	Arsenic	--	0.10	--
2)	Cadmium	--	0.13	--
3)	Chromium	--	2.0	--
4)	Copper	--	1.1	--
5)	Cyanides, Total	--	--	0.79
6)	Lead	--	0.53	--
7)	Mercury	--	Nondetectab	--
8)	Molybdenum	--	0.75	--
9)	Nickel	--	0.95	--
10)	Selenium	--	0.065	--
11)	Silver	--	0.82	--
12)	Zinc	--	2.9	--

ORGANIC COMPOUNDS

Pollutant		Surcharge Threshold (mg/L)	Daily Maximum Limit	Instantaneous Maximum Limit (mg/L)
1)	Acetone	--	--	240
2)	Benzene	--	--	3.6
3)	Carbon Tetrachloride	--	--	0.67
4)	Chloroform	--	--	3.2
5)	Dichlorobenzene, 1,4-	--	--	0.12
6)	Dichloroethane, 1,1-	--	--	6.5
7)	Dichloroethylene, cis-1,2-	--	--	2.8
8)	Ethylbenzene	--	--	0.83
9)	Tetrachloroethylene	--	--	0.25
10)	Toluene	--	--	3.3
11)	Trichloroethane, 1,1,1-	--	--	2.0
12)	Trichloroethylene	--	--	3.1
13)	Vinyl Chloride	--	--	1.5
14)	Xylene, Total	--	--	1.1

Notes to tables:

* Extra-strength surcharges apply.

** Detectable mercury shall be defined as any wastewater or substance containing mercury at or above the detection level of 0.0002 mg/L established for U.S. EPA Method 245.1 or approved equivalent method, unless a higher detection level is approved because of laboratory-demonstrated sample matrix interference. Discharge of detectable mercury is prohibited, except as specifically approved or permitted by City on behalf of IRUA, subject to the following conditions:

- (1) Each discharger of detectable mercury shall have a -point accessible by City personnel for monitoring the net nondomestic effluent. All costs for installation of this monitoring point shall be the discharger's responsibility.
- (2) Each discharger of detectable mercury shall routinely self-monitor its effluent for mercury using a representative composite sample collected over the period of normal discharge, tests conducted in accordance with U.S. EPA Method 245.1 or approved equivalent method, and a frequency to be established by the City on IRUA's behalf. While the discharger may contract with the City or an outside consultant/laboratory to conduct this sampling and analytical testing, all associated costs shall be the discharger's responsibility.
- (3) At its discretion, the City may collect additional samples from each discharger of detectable mercury. If the discharger uses an outside consultant/laboratory to perform the self-monitoring, the City, on behalf of IRUA, will perform a surveillance sampling at least annually.
- (4) Each discharger of detectable mercury shall develop and implement a Mercury Minimization Program to establish actions and schedule commitments for minimizing mercury entering the collection system. A program plan, which shall be submitted to the City, on behalf of IRUA, for review and concurrence, shall address the following:
 - A. Treatment system for removal of mercury from the discharged wastewater;
 - B. Written procedures for disposal of mercury-contaminated wastes;
 - C. New employee training, as well as refresher training for current employees;
 - D. Review, and elimination, where feasible, of purchased materials containing mercury;
and
 - E. Other activities as deemed appropriate by the City or the discharger.
- (5) Failure to comply with these conditions may result in escalated enforcement response including fines, legal action, and termination of sewer services.

- (6) If the City, acting on behalf of IRUA, determines that all reasonable and cost-effective actions based on economic, technical, and treatability considerations have been implemented, a discharge containing detectable mercury may be accepted on the condition that the Mercury Maintenance Program continues to be actively administered. However, the City, on IRUA's behalf, reserves the right to prohibit any detectable mercury.

Should pollutants other than specified above be received or anticipated at the plant, corresponding discharge limits may be established by the City on IRUA's behalf on a case by case basis after consultation with the City's engineers and the Michigan Department of Environmental Quality.

Local limit concentrations apply at the point where the industrial waste is discharged to the POTW. For purposes of these Rules and Regulations, categorical standards apply at the end of the wastewater contributing process line. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At its discretion, the City, on behalf of IRUA, may impose mass limitations in addition to or in place of the concentration based limitations above.

- (e) IRUA's Right of Revision. The City, as authorized by the IRUA, reserves the right to establish, by Administrative Directive or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1 or the general and specific prohibitions in subsection (a) hereof.
- (f) Special Agreement. The City reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. It may also request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.
- (g) Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitation is appropriate.
- (h) Unsanitary Deposits; Discharge to Natural Outlets Prohibited.
- (1) No person shall place, deposit or permit to be deposited in any unsanitary manner upon public or private property within or in any area under the jurisdiction of the Constituent Municipalities, , any human or animal excrement, garbage or other objectionable waste.

- (2) No person, when sewage and/or treatment facilities are available, shall discharge to any natural outlet within or in any area under the jurisdiction of the Constituent Municipalities, any sanitary sewage, industrial wastes or other polluted waters, unless specifically permitted by the applicable County Health Department.
- (3) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable County Health Department or as hereinafter provided.

3. PRETREATMENT OF WASTEWATER.

(a) Pretreatment Facilities. Industrial users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 2(a) with the time limitations specified by the EPA, the State or the City, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to City shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of these Rules and Regulations.

(b) Additional Pretreatment Measures.

- (1) Whenever deemed necessary, the City may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste-streams from industrial waste-streams and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of these Rules and Regulations.
- (2) Each entity discharging into the POTW shall be evaluated on a case by case basis by the City to ensure that adequate capacity in the POTW is available and that suitable storage and flow control facilities are available for equalization of flows over a twenty-four hour period. This may be required of the entity discharging if such capacity is not available at the POTW to handle peak flow periods. Any such facility shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the City. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his or her expense.

- (4) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - (5) A reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, should be confirmed with a second reading taken immediately thereafter and if the second reading confirms the first, thereby eliminating a false positive reading no discharge shall be allowed. .
- (c) Accidental Discharge/Slug Control Plans. The City may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals.
 - (3) Procedures for immediately notifying the City of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2(a).
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (d) Tenant Responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of these Rules and Regulations.
- (e) Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions in Section 11.B..

4 WASTEWATER DISCHARGE PERMIT ELIGIBILITY.

- (a) Wastewater Survey. When requested by the City all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be

considered a violation of these Rules and Regulations. The determination of whether or not a user is "significant" shall be made by the City as authorized by IRUA.

(b) Wastewater Discharge Permit Requirement.

(1) No significant industrial user shall discharge wastewater into the POTW without obtaining a wastewater discharge permit from the City. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 11.B and 11.C. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal, and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(2) The City may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of these Rules and Regulations.

(c) Wastewater Discharge Permitting Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of these Rules and Regulations, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the City for a wastewater discharge permit in accordance with subsection (e) hereof, and shall not cause or allow discharges to the POTW to continue after one hundred and twenty (120) days of the effective date of these Rules and Regulations except in accordance with a wastewater discharge permit issued by the City.

(d) Wastewater Discharge Permitting New Connection. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge will begin. 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 elsewhere in these Rules and Regulations.

Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to these Rules and Regulations shall be required to meet compliance dates set in any applicable categorical pretreatment standard.

Existing sources which become industrial users subsequent to enactment of an applicable categorical pretreatment standard shall be considered existing industrial users, except where such sources meet the definition of a new source. 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 ninety days, new sources must meet all applicable pretreatment standards.

(e) Wastewater Discharge Permit Application Contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 6(a)(2). The City shall approve a

form to be used as a permit application; in addition, the following information may be requested:

- (1) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (2) Number and type of employees, hours of operation and proposed or actual hours of operation of the POTW.
- (3) Each product produced by type, amount, process or processes, and rate of production.
- (4) Type and amount of raw materials processed (average and maximum per day).
- (5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge.
- (6) Time and duration of the discharge.
- (7) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.

Incomplete or inaccurate application will not be processed and will be returned to the industrial user for revision.

- (f) Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

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

- (g) Wastewater Discharge Permit Decisions. The City will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City may deny any application for a wastewater discharge permit.

5 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.

- (a) Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (b) Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.
- (1) Wastewater discharge permits must contain the following conditions:
- A. A statement that indicates wastewater discharge permit durations, which in no event shall exceed five years.
 - B. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the IRUA, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 - C. Effluent limits applicable to the user based on applicable standards in Federal, State and local law.
 - D. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law.
 - E. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable Federal deadlines.
- (2) Wastewater discharge permits may contain, but need not be limited to the following:
- A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - B. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties as contained in Federal Pretreatment Conditions 40 CFR 403.6(c)(2-7).
 - C. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.

- D. Development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharges.
 - E. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 - F. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
 - G. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - H. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
 - I. All criteria contained in 40 CFR 403.6(e), Combined Waste-stream Formula.
 - J. Other conditions as deemed appropriate by the City to ensure compliance with these Rules and Regulations, and State and Federal laws, rules and regulations.
- (c) Wastewater Discharge Permit Appeals. Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within ten days of its issuance. However:
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (4) If the City fails to act within thirty days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit or not to issue a wastewater discharge permit or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
 - (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the applicable State or local court as covered under the State of Michigan Pre-Treatment Standards and subject to all statutes of limitations as provided by Michigan law.

(d) Wastewater Discharge Permit Modification. The City may modify the wastewater discharge permit for good cause, including, but not limited to, the following:

- (1) To incorporate any new or revised Federal, State or local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel or the receiving water.
- (5) Violation of any terms or conditions of the wastewater discharge permit.
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13
- (8) To correct typographical or other errors in the wastewater discharge permit.
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(e) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least sixty days advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner and/or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur;
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(f) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

(g) Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for the following reasons:

- (1) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the City of changed condition pursuant to Section 6(e);
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring reports;
- (6) Refusing to allow the City timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of a permitted facility;
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

(h) Wastewater Discharge Permit Reissuance. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 4(e) a minimum of 120 days prior to the expiration of the industrial user's existing wastewater discharge permit.

6. REPORTING REQUIREMENTS.

(a) Baseline Monitoring Reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph (a)(2) hereof. At least ninety days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph (a)(2) hereof. A new source shall also be required to report the method or pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (2) The industrial user shall submit the information required by this section, including:
 - A. Identifying information. The name and address of the facility including the name of the operator and owners.
 - B. Wastewater Discharge Permits. A list of any environmental control Wastewater Discharge Permits held by or for the facility.
 - C. Description of operations. A brief description of the nature, average rate of production and standard industrial classifications of the operations carried out by such industrial user. The description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - D. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste-stream formula set out in 40 CFR 403.6(e).
 - E. Measurement of pollutants.
 1. Identify the categorical pretreatment standards applicable to each regulated process.
 2. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (i) hereof.
 3. Sampling must be performed in accordance with procedures set out in subsection (j) hereof. The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.

F. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.

G. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 4(e).

H. Signing and certification. All baseline monitoring reports must be signed and certified in accordance with Section 4 (f).

(b) Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by paragraph (a)(2)G. hereof. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City.

(c) Report on Compliance With Categorical Pretreatment Standard Deadline. Within ninety 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 industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 4(e) and paragraph (a)(2) hereof. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, this report shall include the industrial user's actual production, during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4(f).

(d) Periodic Compliance Reports.

(1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City, but in no case less than twice per year (in June and December),

submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4(f).

- (2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
 - (3) If an industrial user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in subsection (j) hereof, the results of this monitoring shall be included in the report.
- (e) Report of Changed Conditions. Each industrial user is required to notify the City of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty days before the change. In addition:
- (1) The City may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4(e).
 - (2) The City may issue a wastewater discharge permit under Section 4(g) or modify an existing wastewater discharge permit under Section 5(d).
 - (3) No industrial user shall implement the planned changed conditions until and unless the City has responded to the industrial user's notice.
 - (4) For purposes of this requirement flow increases of ten (10) percent or greater and the discharge of any previously unreported pollutants shall be deemed significant.
 - (5) If a request is made by an existing or new industry to begin discharging chemicals previously not contributed, the POTW will undertake the following:
 - A. Use the MAHL spreadsheet to access the impact on local limits.
 - B. Adjust industrial user permits if necessary.
 - (6) The City will ensure that any changes to the total MAHL follow submission of supplemental data supporting the claim, the approval of the Michigan Department of Environmental Quality, and incorporation by amendment in the local ordinances prior to request for approval of a new MAHL. The City will provide guidance to ensure proposed changes to safety factors are submitted and approved by the MDEQ.
- (f) Reports From Non-significant Industrial Users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City may so require. Industrial Pretreatment Program

(IPP) enforcement procedures dictate that non-domestic users be sent an industrial waste survey every five years. This data will be reviewed for any changes from prior surveys. If any products have been added or deleted or any processes added or deleted, sampling will be necessary to determine the users' wastewater discharge.

In addition, the following locations will be sampled for compliance on a yearly basis to develop a data base of conventional pollutants and metals:

- (1) South Ionia Pump Station.
- (2) Sewer trunk line from Michigan Reformatory and Easton Township.
- (3) Sewer line coming from the north side of the City.
- (4) South side sewer trunk line before the south side lift station merger.

If significant changes are detected at one of these locations, a survey review of the non-domestic users discharging through the location will be conducted along with additional sampling upstream of the station in an effort to find the source. Local limits may be revised to account for new contributors.

- (g) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the City within twenty-four hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation. The industrial user is not required to resample if the City performs monitoring at the industrial user's at least once a month, or if the City performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

The City, on behalf of IRUA, shall notify the Grand Rapids District Supervisor of the Surface Water Quality Division of the DEQ in writing within ten days of knowing, or having reason to believe, that any activity has or will occur in the discharge of detectable levels of chemical according to IA-3 of the NPDES Permit Number MI0021041.

- (h) Notification of the Discharge of Hazardous Waste.

- (1) Any industrial user who commences the discharge of hazardous waste shall notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, and an estimation of the mass and concentration of such constituents in the waste-stream expected to be discharged during

the following twelve months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (e) hereof. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of subsections (a), (c) and (d) hereof.

- (2) Dischargers are exempt from the requirements of paragraph (h)(1) hereof during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.20(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the City, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - (4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it is determined to be economically practical.
- (i) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
 - (j) Sample Collection.

- (1) Except as indicated in paragraph (j)(2), hereof, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City, on behalf of IRUA, may authorize the use of time proportional sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.
- (3) All samples shall meet the minimum requirements of 40 CFR 403.12(5).

- (4) The City will monitor the influent and effluent flow for all of the local limit pollutants listed in these Rules and Regulations. Samples are to be tested at least once annually with the results of the monitoring provided in each IPP annual status report.
- (5) The City will monitor the produced sludge at the Industrial User's facility at least once each year for all local limit pollutants tested in the submittal, except the compatible pollutants BOD, phosphorus, TSS, oil and grease, with the results of such monitoring provided in each subsequent IPP annual status report.
- (k) Determination of Noncompliance. The City may use a grab sample to determine noncompliance with pretreatment standards when a grab sample is representative and allowed by the applicable pretreatment standard.
- (l) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U. S. Postal Service, the date of receipt of the report shall govern.
- (m) Record Keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with these Rules and Regulations, or where the industrial user has been specifically notified of a longer retention period by the City.
- (n) Notice of Potential Problems; Slug Load. All categorical and non-categorical Industrial Users shall notify the City immediately of all discharges that could cause problems to the POTW including any slug loadings as defined by these Rules and Regulations.

7 COMPLIANCE MONITORING.

- (a) Inspection and Sampling. The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of these Rules and Regulations, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City or his or her representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- (2) The City, State and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

- (3) The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated (periodically) to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
 - (5) Unreasonable delays in allowing the City personnel access to the industrial user's premises shall be a violation of these Rules and Regulations.
 - (6) The City shall have the right to randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The City shall have the right to inspect and sample the effluence from each significant industrial user at least twice each year, once without notice and once with notice to the user. In addition, the City shall evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. If the City decides that a slug control plan is necessary, it shall contain the following information, at a minimum:
 - A. Description of discharge practices, including non-routine batch discharges;
 - B. Description of stored chemicals;
 - C. Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a provision of these Rules and Regulations with procedures for follow-up written notification within seventy-two hours;
 - 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 plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures. and equipment for emergency response.
- (b) Search Warrants. If the City has been refused access to a building, structure or property or any part thereof, and if the City has demonstrated probable cause to believe that there may be a violation of these Rules and Regulations or that there is a need to inspect as part of a routine inspection program of the IRUA designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City , the judge for the court having jurisdiction shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable

hours by the a law enforcement officer on behalf of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

8 CONFIDENTIAL INFORMATION.

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data," as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

9 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The City shall publish annually, in the largest daily newspaper published in the geographical area the POTW serves, a list of the industrial users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit 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 discharge violation that the City believes has caused, alone or in combination with other discharges. interference or pass through (including endangering the health of City personnel or the general public);
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including 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) Any other violation(s) which the City determines will adversely affect the operation of implementation of the local pretreatment program.

10 SERVICE OF ORDERS, NOTICES OF VIOLATIONS

Except as otherwise expressly provided by these Rules and Regulations, all orders and Notices of Violations shall be served upon persons and shall contain the information as provided by this section.

- (a) Service. Services shall be by personal delivery or certified mail (return receipt requested), addressed to the user, alleged violator or other person, as applicable. The person served shall sign and date the order or notice and shall return the signed original copy to the IRUA; provided, that the failure to do so shall not affect the person's obligation to comply with the order or notice.
- (b) Contents. All orders shall contain at least the following information, as applicable and to the extent known:
 - (1) The name and address of the violator;
 - (2) The location and time that the violation occurred or was observed, and the duration of the violation;
 - (3) The nature of the violation, including the provisions of these Rules and Regulations or of any permit, order, decision, determination or agreement violated;
 - (4) The basis for determining that a violation has occurred (personal observation, pollutant analysis, etc.);
 - (5) The amount of fine, penalty or charge assessed or due, if any;
 - (6) The manner in which , and time and date by which, any fine, penalty or charge must be paid, including any penalty or charge for late payment;
 - (7) The right to appeal the issuance of the order or notice and a summary of the procedures for appeal, or other applicable administrative procedures;
 - (8) The date and time the order or notice was issued.

- (c) Request for Additional Information. A person served may request additional information from the City regarding the contents or requirements as provided by any order or notice. However, a request for additional information shall not extend the time for compliance with an order or notice.

11 ENFORCEMENT REMEDIES.

11.A. ADMINISTRATIVE ENFORCEMENT REMEDIES.

- (a) Notification of Violation. Whenever the City, acting on behalf of IRUA, finds that any user has violated or is violating these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City, on behalf of IRUA, or his or her agent may serve upon said user a written notice of violation. Within ten days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. 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. Nothing in this section shall limit the authority of the IRUA and City, on IRUA's behalf, to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (b) Consent Orders. The City is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to subsections (d) and (e) hereof and shall be judicially enforceable.
- (c) Show Cause Hearing. The City, acting under the authority of IRUA, may order any user which causes or contributes to violation(s) of these Rules and Regulations, wastewater discharge permits, or orders issued hereunder or any other pretreatment standard or requirement, to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or registered or by certified mail (return receipt requested) at least thirty days prior to the hearing. Such notice may be served on any authorized representative of the user.

Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

- (d) Compliance Orders. When the City finds that a user has violated or continues to violate these Rules and Regulations, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he or she may issue an order to the user responsible for the discharge directing that the user come into compliance within five days.

If the user does not come into compliance within two days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

(e) Cease and Desist Orders. When the City finds that a user is violating these Rules and Regulations, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements.
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

(f) Emergency Suspensions. The City may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and an opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its receiving stream, or endangerment to any individuals. The City shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the IRUA that the period of endangerment has passed, unless the termination proceedings set forth in subsection (g) hereof are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City, prior to the date of any show cause or termination hearing under subsections (c) and (g) hereof.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(g) Termination of Discharge. In addition to the provisions of Section 5(f), any user who or which violates the following conditions of these Rules and Regulations, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions.
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (5) Violation of the pretreatment standards in Section 2.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (c) hereof of these Rules and Regulations why the proposed action should not be taken.

11.B. JUDICIAL ENFORCEMENT REMEDIES.

(a) Municipal Civil Infractions.

- (1) Any violation of any provision of these Rules and Regulations, or any orders or wastewater discharge permits issued hereunder, or any pretreatment requirements, or the introduction or discharge of any substance into the POTW which causes personal injury or property damage, or the making of any false statements, representations or certifications in any application, record, report, plan, wastewater discharge permit, order, or other documentation filed or required to be maintained under these Rules and Regulations, or the tampering with or rendering inaccurate any monitoring device or method required under these Rules and Regulations, shall be deemed a Municipal Civil Infraction pursuant to these Rules and Regulations and Act 233 of 1955..
- (2) Unless otherwise specifically provided for herein, the fine for each violation of such Ordinance shall be not more than one hundred dollars (\$100.00) per day, plus costs. Each act of violation, and each day on which any violation continues, shall constitute a separate offense.
- (3) Increased fines may be imposed for repeat violations as follows:
 - A. For any first repeat offense, the fine shall be not more than five hundred dollars (\$500) per day, plus costs;

B. For any second repeat offense or any subsequent repeat offense, the fine shall be not more than one thousand dollars (\$1,000) per day, plus costs.

(4) These provisions shall not replace or relieve the violating user from injunctive relief, civil penalties, or criminal prosecution where deemed appropriate by the IRUA.

(5) Authorized IRUA Official. The City, and any representative designated in writing by the City, is hereby designated as the authorized IRUA official to issue a citation or appearance ticket for violations of these Rules and Regulations. A municipality may also exercise its enforcement powers under Act 233 of 1955 against a violator in territory in its jurisdiction.

(b) Injunctive Relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of these Rules and Regulations, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the IRUA may petition the Ionia County Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by these Rules and Regulations on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the IRUA. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

(c) Civil Penalties.

(1) Any user who or which has violated or continues to violate these Rules and Regulations, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement, shall be liable to the IRUA for a maximum civil penalty of one thousand dollars (\$1,000) per violation per day. In the case of monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of the violation.

(2) The IRUA may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the IRUA.

(3) In determining the amount of civil 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.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

(d) Criminal Prosecution.

(1) Any user who or which willfully or negligently violates any provision of these Rules and Regulations, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement, shall, upon conviction, be guilty of a misdemeanor, punishable

by a fine of not more than five hundred dollars (\$500.00) per violation per day or imprisonment for not more than ninety(90) days, or both.

- (2) Any user who or which willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than five hundred dollars (\$500.00) and be subject to imprisonment for not more than ninety (90) days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
 - (3) Any user who or which knowingly makes any false statements, representations or certifications in any application record, report, plan or other documentation filed, or required to be maintained pursuant to these Rules and Regulations, or a wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section, shall, upon conviction, be fined not more than five hundred dollars (\$500.00) per violation per day or imprisoned not more than ninety (90) days, or both.
 - (4) For a second conviction, a user shall be fined not more than five hundred dollars (\$500.00) per violation per day or imprisoned not more than ninety (90) days or both.
- (e) Remedies Nonexclusive. The enforcement remedies provided for in these Rules and Regulations are not exclusive remedies. IRUA reserves the right to take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, IRUA, reserves the right to take other action against any user when the circumstances warrant. Further, the City, on IRUA's behalf, is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

11.C. SUPPLEMENTAL ENFORCEMENT ACTION.

- (a) Performance Bonds. The City, on behalf of IRUA, may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of these Rules and Regulations, any order or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, on behalf of IRUA, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.
- (b) Liability Insurance. The City, on behalf of IRUA, may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of these Rules and Regulations, any order or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (c) Water Supply Severance. Whenever a user has violated or continues to violate the provisions of these Rules and Regulations, orders or wastewater discharge permits issued hereunder,

water service to the user may be severed. Service will recommence, at the user's expense, only after it has satisfactorily demonstrated its ability to comply.

- (d) Public Nuisances. Any violation of these Rules and Regulations, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City, on behalf of IRUA, or his or her designee. Any person creating a public nuisance shall be subject to the provisions of these Rules and Regulations governing such nuisance, including reimbursing the IRUA for any costs incurred in removing, abating or remedying said nuisance.
- (e) Informant Rewards. The City is authorized to pay up to five hundred dollars (\$500.00) or an amount as otherwise established by the IRUA for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the City is authorized to disperse up to ten (10) percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars (\$5,000).
- (f) Contractor Listing. Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the IRUA. Existing contracts for the sale of goods or services to the IRUA held by a user found to be in significant noncompliance with pretreatment standards may be terminated at the discretion of the IRUA.

12 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

- (a) Upset.
 - (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (a) (3) hereof are met.
 - (3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
 - A. An upset occurred and the industrial user can identify the cause(s) of the upset;
 - B. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

- C. The industrial user has submitted the following information to the IRUA within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Industrial 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.
- (6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical 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.
- (b) General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 2(a) of these Rules and Regulations if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference, that discharges from other sources would cause pass through or interference, and that either: (1) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or (2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the IRUA was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (c) Bypass.
- (1) Definitions. As used in this section:
- A. "Bypass" means the intentional diversion of waste-streams from any portion of an industrial user's treatment facility.
 - B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities 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.

(2) Permitted bypasses. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c)(3) and (4) hereof.

(3) Prior notice.

A. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the IRUA, at least ten days before the date of the bypass if possible.

B. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the IRUA within twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, 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. The IRUA may waive the written report on a case-by- case basis if the oral report has been received within twenty-four hours.

(4) Exceptions.

A. Bypass is prohibited, and IRUA may take enforcement action against an industrial user for a bypass, unless,

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The industrial user submitted notices as required under paragraph (c)(3) hereof.

B. The IRUA may approve an anticipated bypass, after considering its adverse effects, if the IRUA determines that it will meet the three conditions listed in paragraphs (c)(4)A.1. to 3. hereof.

13 SURCHARGE COSTS.

Surcharge costs may be established by the IRUA Board as needed.

14 LIABILITY/IMMUNITY

IRUA or the City, acting on behalf of or with the authority of IRUA, shall not be responsible for interruptions of service due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the customer that all connected equipment remain in good working order so as not to cause disruption service of any sewer or treatment plant equipment. IRUA shall receive the same immunity afforded to the constituent municipalities for the events recited herein by virtue of its acting on behalf of those constituent municipalities.