

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE CITY'S SEWER SYSTEM; AND ESTABLISHING AND PROVIDING FOR THE COLLECTION OF RATES AND CHARGES FOR USE OF THE CITY'S SYSTEM IN THE CITY OF CASPIAN, IRON COUNTY, MICHIGAN.

ARTICLE I
DEFINITIONS

"Act" or "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

"Approval Authority" shall mean the Director in a National Pollution Discharge Elimination System (NPDES) state with an approved State Pretreatment Program and the Administrator of the Environmental Protection Agency (EPA) is a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

"Authorized Representative of Industrial User:" An authorized representative of an Industrial User may be:

- (a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
- (b) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"Benefit Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the City which must connect to the System. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

"B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade.

"Building drains" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside or outside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" shall mean the extension from the building drain to the public sewer or other places of disposal.

"Categorical Standards" shall mean National Categorical Pretreatment Standards or Pretreatment Standard.

"City" shall mean the City of Caspian, County of Iron, Michigan.

"City Commission" shall mean the City Commission of the City.

"Commercial user" shall mean an establishment listed in the Office of the Management and Budget's Standard Industrial Classification Manual (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

"Cooling water" shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is a temperature change.

"Debt retirement charge" shall mean the charge levied to all users for retirement of bonded indebtedness associated with the System.

"Environmental Protection Agency, or EPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Grab sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Governmental user" shall mean any federal, state or local government user of the System.

"High strength waste" shall mean any waste having waste characteristics greater than normal domestic sewage.

"Holding tank waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Indirect discharge" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the System (including holding tank waste discharged into the System).

"Industrial cost recovery" shall mean the recovery from each eligible industrial user of that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users.

"Industrial user" shall mean any user of the System that is involved in a profit-seeking venture which discharges a trade or processes waste.

"Industrial waste" shall mean the wastewater discharges from industrial, trade or business process, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

"Institutional user" shall mean nongovernmental, noncommercial, nonresidential, nonindustrial users of the System.

"Inspector" shall mean any person or persons duly authorized by the City Commission to inspect and approve the installation of sewers.

"National Categorical Pretreatment Standard or Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

"Normal domestic sewage" shall mean a combination of the water carried domestic wastes from residences, business buildings, institutions and industrial establishments, and normal amounts of infiltration. The normal domestic sewage shall be considered to have a loading of 200 mg/l BOD and 250 mg/l suspended solids.

"O, M&R charge" shall mean the charge levied to all users for operation, maintenance, replacement and customer related administrative costs associated with the System.

"Operation and maintenance costs" shall mean all costs direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the sewage works. Operation and maintenance costs shall include replacement costs.

"Person" shall mean any individual, partnership, co-partnership, firm, company,

corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"PH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of the water.

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar, dirt and industrial, municipal and agricultural waste discharged into water.

"Pretreatment or treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the System. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, is controlled by the City, and is located within the public right-of-way or a public easement.

"POTW treatment plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

"Replacement costs" shall mean expenditures made during the service life of the System to replace equipment, appurtenances and accessories necessary to maintain the intended performance of the System.

"Residential user" shall mean all dwelling units used as domiciles.

"Revenues" and "net revenues" shall have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Service demand charge" shall mean the charge levied to all customers for customer related administrative costs associated with the System.

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"Sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer service charges" shall mean the sum of the applicable user charge, surcharges and debt service charges.

"Shall" is mandatory. "May" is permissive.

"State" shall mean the State of Michigan.

"Standard industrial classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

"Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waste.

"Storm water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Suspended solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"System" shall mean all facilities of the City and all subsequent additions, including all sewers, pumps, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements

thereto which may hereafter be acquired.

"Tap on Charge" means the charge imposed by the City to defray a proportion of the capital cost in construction of the municipal sewer system and the cost of making the specific user sewer connection.

"Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

"User" shall mean any person who contributes, causes or permits the contribution of wastewater into the City System.

"User charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

"User class" shall mean the kind of user connected to sanitary sewers including, but not limited to, residential, industrial, commercial, institutional and governmental.

- (a) Residential User. A user of the System whose premises or building is used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).
- (b) Industrial User. Any profit-seeking enterprise which possesses or discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gasses in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the System.
- (c) Commercial User. An establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the Local Agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential User or an industrial User.

- (d) Institutional User. Nongovernmental, noncommercial, nonresidential, nonindustrial Users of the System.
- (e) Governmental User. Any federal, state, or local government User of the wastewater treatment System.

"Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, which together may be present, whether treated or untreated, which is contributed into or permitted to enter the System.

"Water meter" shall mean a water volume measuring and recording device, furnished and/or installed by a User and approved by the City.

"WICSA" shall mean the West Iron County Sewer Authority, County of Iron, Michigan.

"Abbreviations"

The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - Environmental Protection Agency.
- (5) l - Liter.
- (6) mg - Milligrams.
- (7) mg/l - Milligrams per liter.
- (8) NPDES - National Pollutant Discharge Elimination System.
- (9) POTW - Publicly Owned Treatment Works.
- (10) SIC - Standard Industrial Classification.
- (11) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6902 et. seq.
- (12) USC - United States Code.
- (13) TSS - Total Suspended Solids.

ARTICLE II

OPERATION

Section 1 The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the City. The City may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. As part of the operation of the System the City shall review not less than every 2 years and waste water contribution of users and user classes, the total costs of operation and maintenance of the sewage works, and its approved user charge system. The City shall revise the charges for users or user classes within sixty (60) days following the completion of any such review, and at such other times as may be required, to accomplish the following:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required by applicable federal regulation;
- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewage works; and
- (c) Apply excess revenue collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Section 2 Use of Public Sewers Required

A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City (or any area under its jurisdiction), any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of such a structure, shall cause such structure to be

connected to an available public sanitary sewer. Such connection shall be completed promptly but in no case later than 30 days from the date of occurrence of the last of the following events:

- (i) Publication of a notice by the City Clerk of the availability of the public sanitary system in a newspaper of general circulation in the City.
- (ii) Modification of a structure so as to become a structure in which sanitary sewage originates.
- (iii) This Ordinance becomes effective.

E. Failure to complete connection where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within the 30 days of the period provided in Item D above, City Clerk shall require the connection to be made forthwith after notice by first class mail or certified mail to the owners, occupants and person having control of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer which is available for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this ordinance.

F. Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 30 days after the date of mailing or posting of the written notice, the City may bring an action for a mandatory injunction or order in the district, municipal or circuit court in the county in which the structure is situated to compel the owner to connect to the available sanitary sewer system forthwith. The City in one or more of such actions may join any number of owners of structures situated within the City to compel each owner to connect to the available sanitary sewer system forthwith.

G. The "Tap on Charge" for connection of a new sewer line as of the ordinance amendment adding this provision is \$1,000.00. The "Tap on Charge may be amended by resolution at the discretion of the Caspian City Commission.

Section 3 Private Sewage Disposal

A. Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

C. At such times as a public sewer becomes available to a property served by the System as provided herein, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

Section 4 Building Sewers and Connections

A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Commission. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City, and deposited with the Treasurer a corporate surety or cash bond acceptable to the City Commission in the sum of \$10,000.00, conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City, pertaining to the plumbing. This bond shall state that the person will indemnify and save harmless the City and the owner of the premises against all damages, costs, expenses, outlays and or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

B. There shall be two (2) classes of building sewer permits; one for residential service, and the second for service to establishments producing industrial waste. In either case the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City. A permit and inspection fee of ten (10) dollars for a residential or commercial building sewer permit and an amount established on an individual basis for an industrial building sewer permit shall be paid to the City Treasurer at the time the application is filed.

C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner (the "Owner"), ***including but not limited to restoration of existing infrastructure and or improvements such as sidewalks, landscaping, roads and pavement to their existing or better condition and subject to the City's approval.***

If the City does not perform the actual sewer tap all contractors hired to perform the sewer line installation by the property owner, shall be approved by the city before construction begins.

The Owner or the person installing the building sewer for the Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by said installation.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Inspector.

E. Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the City to meet all requirements of this Ordinance.

F. Each building sewer shall be constructed of Polyvinyl Chloride (P.V.C.) plastic pipe SDR-35 meeting the current requirements of A.S.T.M. D-3034 and as approved by the City's Inspector.

G. All joints and connections shall be made gas tight and water tight. All P.V.C. plastic pipe joints shall be the push-on type equal to A.S.T.M. D3212. The joints and connections shall conform to the manufacture's recommendations. All fittings shall be as manufactured by the pipe supplier with joints equal to that of the pipe.

H. The size and slope of the building sewers shall be subject to the approval of the City, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-fourth (1/4) inch per foot, except as otherwise approved by the Inspector. All building sewers shall be laid on a sand cushion having a minimum thickness of three (3) inches. All irregularities and depressions in the subgrade shall be fitted with sand so the pipe will be firmly supported for its entire length. To provide sewer embedment the remainder of the trench to the top of the pipe shall be backfilled with compacted sand. The sand adjacent to the pipe shall be shovel sliced.

I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be

sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. Specifications except that no backfill shall be placed until the work has been inspected by the City.

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

K. The connection of the building sewer into the public sewer shall be made at a location designated by the Inspector.

L. The applicant for the building sewer shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city during such regular hours as the City may establish from time to time.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. If such restoration work is not done by the Owner, the City shall perform the necessary restoration and charge the cost thereof back to the Owner.

N. As of the 1st of March, 2001, all building sewers shall contain a ball or check valve that prevents back up of sewage from the City line to the building. Such valves shall be installed by the property owner at the property owners expense. The property owner shall be responsible for repair and maintenance of said valve in all respects. The property owner is responsible for any and all damage whatsoever resulting from sewage backup from the City line; including any and all damage from such sewer backup in facilities without said valves. After the date for installation, as required herein, owners have not installed said valve are presumed to have accepted any and all risks of every kind whatsoever related to sewer backups. This subsection is deemed to be necessary for the protection of the health and general welfare of the Residents of the City of Caspian.

Section 5 Use of the Public Sewers The provisions of this Section shall apply to each commercial, governmental, industrial, institutional and residential User of the System. Each local unit that connects any public sewer to the System shall adopt an ordinance containing similar provisions.

A. "General Discharge Prohibitions" No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the System. These general prohibitions apply to all such users of a System whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any System:

- (a) Any liquids, solids or gasses which by reason of their nature or quantity are, or may be sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or to the operation of the POTW.
Prohibited materials, include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Local Unit or EPA has notified the User is a fire hazard or a hazard to the System.
- (b) 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: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair hides or fleshing's, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any wastewater having a Ph less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures equipment, and/or personnel of the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, whether singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the System, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to Section 307(2) of the Act.

- (e) Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge's, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the System cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 ° C (104 ° F) unless the POTW treatment plant is designed to accommodate such temperature.
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Any unpolluted water including, but not limited to non-contact cooling water.
- (n) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

If the WICSA determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Authority, through its Administrator, shall:

- (1) Advise the User(s) of the impact of the contribution on the POTW;
and
- (2) Develop effluent limitation(s) for such User(s) to correct the interference with the POTW.

B. Specific Pollutant Limitations No person shall discharge wastewater containing in excess of:

- (a) 3.0 mg/l arsenic
- (b) 0.7 mg/l cadmium
- (c) 4.5 mg/l copper
- (d) 1.0 mg/l cyanide
- (e) 1.5 mg/l lead
- (f) 0.05 mg/l mercury
- (g) 2.0 mg/l nickel
- (h) 4.5 mg/l total chromium
- (i) 10.1 mg/l zinc
- (j) 0.2 mg/l total phenols
- (k) 100 mg/l oil and grease
- (l) 300 mg/l BOD

- (m) 350 mg/l suspended solids
- (n) 20 mg/l total phosphorus
- (o) 30 mg/l chlorine demand at 30 minutes' contact time
- (p) 40 mg/l total kjeldahl nitrogen
- (q) 0-40 ° C (32-104 ° F) temperature
- (r) 6.0-9.5 S.U.ph

C. Federal Pretreatment Standards_ Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in the subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The WICSA shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

D. State Requirements State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

E. City's Right of Revision City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Ordinance.

F. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection except as otherwise provided in this Ordinance.

G. Downspouts and roof leaders shall be disconnected from sanitary sewers.

H. Storm water, groundwater, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this Ordinance. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the WICSA and the appropriate State agency to a storm sewer, or natural outlet.

I. Grease, oil and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients; except that such interceptors shall not be required for single family or multiple family dwelling units. All interceptors shall be of a type and capacity approved by the WICSA and shall be

located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight.

J. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

K. No statement contained in this Section shall be construed as preventing any special agreement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefore by the industrial concern, provided such agreement shall not violate NPDES requirements, National Categorical Pretreatment Standards, and provided User charges, and surcharges as provided in the ordinance are agreed to in the agreement.

L. Excessive Discharge. No User shall ever increase the use of process water or, in any water, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the City, the WICSA or the State.

M. Accidental Discharge. Where required a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to WICSA review, and shall be approved by WICSA before construction of the facility. All required users shall complete such a plant within one (1) year from the effective date of the ordinance. If required by the City a User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the System until accidental discharge procedures have been approved by WICSA. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

(a) Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the WICSA a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future

occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(b) Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

N. It shall be unlawful for any person to place, deposit or permit to be deposited substances as are listed in Exhibit A attached hereto and made part hereof deposited in an unsanitary manner upon public or private property within the City (or any area under its jurisdiction), any human or animal excrement, garbage or other objectionable waste including but not limited to such substances as are listed in Exhibit A attached hereto and made part hereof.

O. When required by the City, the Owner of any property served by a building sewer carrying high strength wastes shall install and maintain at his expense suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test procedures for Analysis of Pollutants" (40CFR 136, October 16, 1973) and shall be determined at the control manhole or upon suitable samples taken as said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

P. The City may exclude from the System a portion or all waste from a User which may be harmful to or have a deleterious effect on the System.

Q. A surcharge may be imposed on the rate charged to Users for the treatment of high strength waste. The surcharge shall be based on the volume, strength and character of the high strength waste treated as compared to the volume, strength and character of the normal domestic sewage experienced in the City.

R. Special assessments or contracts may be executed with Users which shall be coordinated with this Ordinance for the derivation of the rate to be used for the receiving of high strength waste, where such high strength wastes are of unusual strength or volume and the treatment facility is capable of handling such high strength waste.

Section 6 Protection from Damage No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 7 Powers and Authority of Inspectors The duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

Section 8 Penalties

A. Any person found to be violating any provision of this Ordinance except Section 6, shall be served by the City Commission with written notice the nature of the violation and providing a reasonable time limit or the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Section 8A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than fifteen dollars (\$15.00) and not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 9 Conditions of Service

A. The City shall install at its expense that portion of the building sewer from the public sewer to near the lot or easement line, and the customer shall install at his expense that part of the building sewer from the lot or easement line to and on his premises, and shall maintain at his expense that portion of the building sewer from the public sewer to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the City, but in no event shall the diameter be less than four (4) inches. Whenever possible, the building sewer shall be brought to the building at an elevator below the basement floor.

B. Upon the abandonment or destruction of any building connected to the System, the Owner shall, at his expense, disconnect the building sewer from the public sewer at a point at least five (5) feet outside the inner face of the building wall. Such

disconnection shall be made under the supervision of the City during such regular hours as the City may establish from time to time.

C. Applications may be canceled and/or sewer service discontinued by the City for any violation of any rules, regulation, or condition of service, and especially for any of the following reasons.

1. Misrepresentation in the application as to the property or fixtures to be serviced by the System.
2. Nonpayment of bills.
3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

D. Bills and notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the City Commission; and the City shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

E. The City shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains for service pipes, or by reason of any other interruption of the service caused by the braking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

F. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the City.

Article III Rates and Charges

Section 10 Sewage Charges for Premises Connected to the System

Commencing with the effective date of this Ordinance, each commercial, governmental, industrial, institutional and residential User of the System which connects directly to the System shall pay charges for sewage disposal services to such premises at the rates established and fixed from time to time by the City. The same rates will be charged to all Users inside the boundaries of the City. Commencing on the effective date of this Ordinance charges to the Users for services to the System shall be as provided in **Exhibit A.** hereto.

Any user of the system who uses more than 5,000 gallons of water per month that does not enter the City's sewer may enter a separate meter to measure the amount of water not entering the sewer system. Such meter installation must be: downstream from the User's original water meter; in a manner that only measures water that cannot enter the City's sewer system. Such meters and meter installations must be pre-approved by the City Manager, inspected upon installation by the City Manager, and accessible for routine inspection by the City Manager.

Users who install such meters shall only pay regular sewer rates for the first 5,000 gallons per month of water measured by such meter.

The City Manager shall approve request for such metering only when the applicant:

1. Demonstrates a routine, regular use of water which will not enter the sewer system.
2. Demonstrates that the plumbing systems for water and sewer are adequately separated to assure that only water that is not entering the sewer system is measured and that such water cannot enter the sewer system.

If an applicant does not comply with 1 and 2 above, the City Manager shall not approve the request.

Section 11 No free service shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

Section 12 The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as this Ordinance may require. Such rates shall be fixed and revised periodically as may be necessary to produce these amounts. Further the rates for use of the System shall be based on the following:

(a) Debt Retirement Charge: Each User of the System shall pay a monthly debt retirement charge to be determined from time to time by the City Commission.

(b) O,M&R Charge: Each User of the System shall pay a monthly, O,M&R charge in proportion to the User's wastewater contributions to the System. Users that are also metered customers of the City water system shall be charged in an amount equal to the charge for the water system use. Users that are not metered water customers shall be charged a flat amount per residential equivalent unit assigned to the User's premises, as hereinafter stated.

(c) Surcharges: Each non-residential type User, as previously defined, shall pay a proportionate amount of the surcharge assessed to the City by the WICSA in proportion to its percentage of the total non-domestic use. All non-residential Users shall be converted to EDUs by dividing the User's total consumption for the average month by 6000, to equate to one (1) EDU. New customer's EDU value shall be estimated for the first year.

Section 13 The System shall be operated on the basis of the same operating year as the City.

Article IV **Billing**

Sewer bills for the rates herein charged shall be rendered at least bimonthly during each operating year on the first day of January, March, May, July, September and November and shall represent charges for the period immediately preceding the date of rendering the bill. The bills shall be due and payable within thirty (30) days from the date thereof, and all bills not paid when due shall be deemed delinquent and a penalty of ten percent (10%) of the amount of such billing shall be added thereto and become due and owing as a part hereof.

Article V **Enforcement**

Benefit charges and charges for sewage disposal services are made a lien on all premises served thereby, are hereby recognized to constitute such lien and whenever any such charge against any property shall be delinquent for six (6) Months, the City official or officials in charge of the collection thereof shall certify annually, not later than June first of each year, to the tax assessing officer, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises are collected and the lien thereof enforced.

Rate Setting Methodology - Equivalent Dwelling Unit (EDU) The rate structure shall assure that a uniform rate is assessed on all Users, based on the discharge volume and strength of the predominant User which is identified as the residential class. Increments of the rate shall be assigned to classes other than residential based upon an appropriate factor that equates the flow and strength to that of the residential Users.

Section 14 The City will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. The City will cause an audit of such books of record and account of the preceding operating year to be made as often as required by State statute by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

The City will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

Section 15 If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 16 All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Exhibit A

Total monthly sewer charges shall consist of the following components:

- A. \$1.41 per thousand gallons for WICSA, O,M&R and adjustments;
- B. \$2.85 per non-residential EDU for WICSA strength surcharge;
- C. \$.30 per thousand gallons for City internal maintenance / replacement;
- D. \$5.47 per hookup for debt retirement to WICSA and capital facilities acquisition.

Heavy Industrial Sewer Rate- For Heavy Industrial Sewer Users, the rate shall be:

\$4,069.00 per Month, covering up to 1,300,000 Gallons.

The rate for flow greater than 1,300,000 Gallons will be \$3.13 per thousand gallons or part thereof.

This rate modification is made as of September 1, 2011 and as approved by the Caspian City Commission at its regular meeting on September 14, 2011 and effective October 1, 2011.

ARTICLE II, Section 4 Sub F and G, Building Sewers and Connections was amended as written herein.

Amended: 6/10/2020

Published: 6/23/2020

Effective: 7/13/2020

Article I, Tap on Charge, Article II paragraph G and Section 4 C added language.

Amended: 7/8/26

Published: 7/14/26

Effective: 8/4/26