

NOTICE OF ORDINANCE ADOPTION

Township Of Thetford

Ordinance No. 117 - 2015-06-117

PUBLIC NOTICE is hereby given that Ordinance No. 117 was adopted by the Board of Trustees of the Township of Thetford on February 25, 2008. The Ordinance will take effect on March 26, 2008. The background and a summary of the Ordinance are set forth below.

Background

The Township has previously entered into contracts with the Genesee "County Authority" (as designated by the Genesee County Board of Commissioners pursuant to the provisions of Public Act 342 of the 1939 Public Acts of Michigan (the "County Authority") related to the acquisition, financing, operation of, and the collection, conveyance, and treatment of wastewater by the Genesee County sewer system (referred to herein as the Genesee County Publicly Owned Treatment Works or "POTW").

The Genesee County POTW currently provides wastewater treatment service for discharges of wastewater originating from within the Township pursuant to those contracts.

The discharges from the Township to the Genesee County POTW are treated by the POTW and then discharged pursuant to the National Pollution Discharge Elimination System Permit ("NPDES Permit") held by the POTW under applicable state and federal laws.

The Genesee County POTW is designated "Control Authority" for the Genesee County sewer system and wastewater treatment plant as provided by its NPDES permit and by applicable state and federal laws, including: the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 USC 1251, et seq.; the General Pretreatment Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 et seq., as amended ("Water Resources Protection"); and the Michigan Industrial pretreatment rules, Michigan Administrative Code; R 323.2301 et seq., as amended.

The Genesee County POTW, in its capacity as the Control Authority and holder of the NPDES Permit, is required to adopt a sewer use ordinance; implement and enforce an industrial pretreatment program ("IPP"); and have the same legal authority for all users, existing and future, throughout all areas served by the POTW, regardless of jurisdictional or political boundaries, including discharges from the Township.

Applicable state and federal laws require the Genesee County POTW to have, at a minimum, the legal authority and procedures, through its sewer use ordinance, IPP, and a interjurisdictional agreements, that will enable it to independently assess and assure

compliance by all persons discharging to the sewer system with applicable laws and regulations.

On November 21, 2006, to comply with applicable State and Federal laws and regulations, the Genesee County Board of Commissioners repealed its existing sewer use ordinance and adopted a new sewer use ordinance ("The Genesee County Sewer Use Ordinance," Genesee County Ordinance No. 0605).

The contract between the Control Authority, applicable state and federal laws, and the Genesee County Sewer Use Ordinance, require the Township, as a condition to discharge to the Genesee County POTW, to adopt an ordinance that, except as specifically provided by the Genesee County Sewer Use Ordinance, is identical to the County's Ordinance. The sewer use ordinance adopted by the Township must expressly designate, empower and authorize the Genesee County POTW to act as the agent and representative of the Township for purposes of administering and enforcing the Township's sewer use ordinance within the Township.

Ordinance Summary

The Ordinance provides the necessary authority and regulatory mechanisms to accomplish the following primary purposes, policies and objectives:

Ordinance No. 117 repeals in its entirety the following existing Ordinance(s) of the Township: *Ordinance No. 21*; and adopts a new "Genesee County Sewer Use Ordinance for the Township of Thetford" (hereinafter referred to as the "Ordinance").

The Ordinance establishes uniform requirements for discharges by users located within the Township to the Genesee County POTW, and to enable the Township and the County Agency to comply with 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.; the General Pretreatment Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., as amended ("Water Resources Protection"); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to Sections 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended.

The Ordinance prohibits the discharge of pollutants from within the Township into the Genesee County POTW that do not meet applicable pretreatment standards and requirements; that would interfere with the operation of the POTW; that would pass through the POTW into the receiving waters or the atmosphere, the environment, or otherwise be incompatible with the POTW; that would inhibit or disrupt the POTW's processing use, or disposal of sludge; that would cause health or safety problems for POTW workers; or that would result in a violation of the POTW's NPDES permit or of other applicable laws and regulations.

The Ordinance is intended to improve the opportunity to recycle and reclaim wastewaters and sludges from the Genesee County POTW, as required by law.

The Ordinance regulates the discharge of wastewater and/or pollutants to the POTW and provides the authority to enforce the requirements of the Ordinance through the issuance of permits and through other means as provided by the Ordinance.

The Ordinance authorizes and requires all inspection, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations.

The Ordinance provides for the equitable distribution and recovery of costs from users of the Genesee County POTW sufficient to administer regulatory activities and to meet the costs of the operation, maintenance, improvement and replacement of the POTW.

The Ordinance applies to any person that discharges to the Genesee County POTW from within the Township. The Ordinance also applies to any person owning, using, constructing or maintaining any private system or facility intended or used for the disposal of sewage or wastewater within the Township.

The Ordinance designates, empowers and authorizes the Genesee County POTW to act as the agent and representative of the Township for purposes of administering and enforcing the Ordinance within the Township. This includes, but is not limited to, the power and authority of the POTW, as deemed necessary by the POTW, to immediately and independently investigate, enforce, and prosecute (administratively or judicially, and civilly or criminally) any violation of the Ordinance or of any notice, order, permit, decision or determination promulgated, issued or made by the POTW under the Ordinance, and to otherwise implement the requirements of the Ordinance.

The Ordinance makes it unlawful for any person to discharge any wastewater or pollutant to the POTW or to any storm sewer or natural outlet within the Township or in any area under the jurisdiction of the Township, except in accordance with the provisions of the Ordinance and other applicable laws and regulations. If any user discharges or proposes to discharge wastewaters or pollutants that are prohibited or limited by the Ordinance, the POTW may take any action as provided by the Ordinance or other applicable laws or regulations to assure and require compliance with the provisions of the Ordinance.

The publication of this notice and summary of the Ordinance is intended to meet the requirements for publication as authorized under the provisions of *Section 41.184 of the Michigan Codified Laws*. No further publication of the Ordinance is required or contemplated. Notice is further given that a true copy of Thetford Township Ordinance No. 117 is available for public inspection or purchase at the Thetford Township Offices, 4014 East Vienna Road, Clio, Michigan 48420, during normal business hours.

Julie C. Paulson
Theftford Township Clerk

ORDINANCE NO. 117-02-25-2008

AN ORDINANCE TO REPEAL EXISTING ORDINANCE NO. 21
(~~"Twp. sewer system"~~) AND TO ENACT A NEW ORDINANCE TO REGULATE THE
USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE
DISPOSAL, SEWER INSTALLATIONS AND CONNECTIONS, AND DISCHARGES OF
WASTEWATER AND POLLUTANTS INTO THE GENESEE COUNTY PUBLICLY
OWNED TREATMENT WORKS ("POTW"); TO REQUIRE PRETREATMENT OF
NONDOMESTIC WASTES BY USERS OF THE POTW, USER PERMITS, AND
MONITORING AND REPORTING OF USERS; AND TO PROVIDE FOR
ENFORCEMENT, PENALTIES, AND OTHER RELIEF FOR VIOLATIONS.

THE _____ [~~CITY/VILLAGE~~ TOWNSHIP COUNTY], MICHIGAN, ORDAINS:

Section 1. Repeal of Existing Ordinance No. 21, Thetford

[~~CITY/VILLAGE~~ TOWNSHIP COUNTY] Ordinance No. 21

(entitled "Twp. Sewer System Ord.") is hereby repealed in its entirety.

Section 2. Enactment of New Sewer Use Ordinance. A new ordinance entitled

"The Genesee County Sewer Use Ordinance for the _____ [~~City/Village~~ Township County]

of Thetford" is hereby adopted to read in its entirety as follows:

THE GENESEE COUNTY SEWER USE ORDINANCE
FOR THE Township OF Thetford

TABLE OF CONTENTS

ARTICLE 1 – GENERAL PROVISIONS.....	6
SECTION 1.1. PURPOSE AND SCOPE OF THE SEWER USE ORDINANCE.....	6
SECTION 1.2. DEFINITIONS.....	8
ARTICLE 2 – USE OF PUBLIC SEWERS REQUIRED.....	26
SECTION 2.1. UNLAWFUL DEPOSITION.....	26
SECTION 2.2. DISCHARGE PROHIBITED WITHOUT REQUIRED APPROVALS, PERMITS, AND TREATMENT.....	26
SECTION 2.3. UNLAWFUL CONSTRUCTION.....	27
SECTION 2.4. REQUIRED CONNECTION TO AVAILABLE SANITARY SEWER.....	27