

**CHARTER TOWNSHIP OF ALLENDALE**

**ORDINANCE NO. 2018-2**

**AMENDMENT TO THE REVISED AND AMENDED SEWER USAGE AND ADMINISTRATION ORDINANCE**

AN ORDINANCE to amend certain sections of Ordinance No. 2005-10, the Revised and Amended Sewer Usage and Administration Ordinance of the Charter Township of Allendale, Ottawa County, Michigan, to update rules to regulate and control the discharge of waters and wastes into the public sewer system; to provide for the health, safety and general welfare of the people of Allendale Charter Township; to provide for the administration of this Ordinance, to repeal conflicting Ordinances; and to provide for the effective date of this Ordinance.

**THE CHARTER TOWNSHIP OF ALLENDALE, OTTAWA COUNTY, MICHIGAN, ORDAINS:**

**Section 1. Amendment of Ordinance No. 2005-10.** The following sections of Ordinance No. 2005-10, the Revised and Amended Sewer Usage and Administration Ordinance, shall be amended to state as follows:

(a) **Section 1.2. Rules Applying to Text.** The definition of Biochemical Oxygen Demand (BOD) shall be amended to state in its entirety as follows:

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen required to biochemically decompose organic matter in five (5) days at 20° degrees Centigrade, expressed in milligrams per liter. The analytical procedure employed shall be that referenced in 40 CFR Part 136. If a nitrification inhibitor is used during the analysis, the BOD5 is the carbonaceous portion only, and shall be referred to as cBOD5.

(b) Subsection 4.5(B)(14) shall be amended to state in its entirety as follows:

(14) Any Wastewater having effluent characteristics in excess of:

<u>Constituent</u>	<u>Maximum</u>
CBOD5	780 mg/l
Phosphorus (Total)	10 mg/l
Suspended Solids	680 mg/l

Ammonia Nitrogen	65 mg/l
Grease, Oils, Waxes, Fat	50 mg/l
Arsenic	0.23 mg/l
Cadmium	0.14 mg/l
Chromium (Total)	8.6 mg/l
Copper	0.36 mg/l
Lead	1.24 mg/l
Mercury (non-detectable)	<0.2 ug/l
Molybdenum	1.11 mg/l
Nickel	2.56 mg/l
Zinc	8.03 mg/l
Selenium	1.10 mg/l
Silver	0.005 mg/l
Cyanide (Total)	0.85 mg/l

(c) Section 4.5(B) shall be amended to add new Subsections (15), (16), and (17)

which shall state in their entirety as follows:

**(15) Special Alternative Limits.** No statement contained in this division shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefore, by the industrial concern.

Where authorized by the WWTP Superintendent, Special Alternative Limit agreements shall be made such that the allocation to all industrial users in the Township service area does not exceed the calculated Maximum Allowable Industrial Loading (MAIL) for any parameter and such that the allocation to all sewer users does not exceed the calculated Maximum Allowable Headworks Loading (“MAHL”) for any parameter summarized in Section 4.5(B)(15)(b).

**(a)** A non-domestic user may, at the time of application for a wastewater discharge permit, or by a special alternative limit application, request that permitted discharge limits be increased from the Standard Local Limits listed in Section 4.5(B)(14). Such special alternative limits shall be expressed as total daily pounds of pollutant discharged. Special Alternative Limits (“SALs”) shall be developed in accordance with the procedure for Special Alternative Limits allocation as outlined in the Industrial Pretreatment Program manual for the Township and approved by DEQ. The Township’s rules and regulations shall be available for inspection at 11624 40<sup>th</sup> Avenue, Allendale, MI 49401.

The Township reserves the right to reduce or deny special alternative limits if total pollutant discharges near or reach the MAHLs set forth in the table in Section 4.5(B)(15)(b). The Township reserves the right to amend the MAHLs set forth in Section 4.5(B)(14) at its discretion. The Special Alternative Limit must not result in the POTW (including the collection system) receiving pollutants in excess of its ability to convey or treat.

A user which requests a Special Alternative Limit through the permit application process must sign a written acknowledgment whereby the user consents to comply with all terms and conditions which may be imposed by the Township. Such acknowledgment shall be in a form

provided by the Township and must be executed by an authorized representative before any Special Alternative Limit is effective. The Township reserves the right to institute a review of any previously permitted Special Alternative Limits at any time, pursuant to which the Township in its discretion, upon notice and the opportunity for hearing, may reduce or eliminate a user's previously permitted to approved Special Alternative Limit.

Any discharge in excess of the amount permitted by the Special Alternative Limit is prohibited and is therefore a violation of Section 4.5 and the user's wastewater discharge permit.

**(b)** Headworks Mass Limits. The MDEQ approved (2016) MAHL and MAILs for parameters that may be considered for SALs are as follows:

<u>Parameter</u>	<u>MAHL (lb/day)</u>	<u>MAIL (lb/day)</u>
BOD5	2711	951
TSS	2680	1280
Phosphorus	76	17.7
Ammonia (as N)	450	181

**(16)** If the User is discharging to the effluent side of the Plant, the following additional discharge limitations shall apply:

**WASTEWATER DISCHARGE LIMITATIONS AND MINIMUM REQUIREMENT**

<u>Substance</u>	<u>30-day Average</u>	<u>Any Single Day</u>
CBOD-5 – mg/l (not to exceed)	25	40
Suspended Solids – mg/l (not to exceed)	30	45
Phosphorus, Total – mg/l (not to exceed)	1.0	1.5
pH (acceptable range)	_____	6.5-9.0
Dissolved Oxygen, mg/l (minimum required)	_____	3.0
Fecal Coliform Bacteria (not to exceed)	200/100 ml	400/100 ml
Total Residual Chlorine – mg/l (not to exceed)	_____	0.036

**(17)** There shall be no detectable amounts of mercury discharged into the POTW.

**(a)** The local discharge limitation for mercury is established at the method detection limit (“MDL”) in accordance with the following:

**(1)** Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The MDL, developed in accordance with the procedure specified in 40 CFR 136 shall not exceed 0.2 ug/l for mercury, unless higher levels are appropriate due to matrix interference.

**(2)** The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

**a)** A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 ug/l in reagent water;

**b)** A demonstration that MDL of 0/2 ug/l cannot be achieved in the effluent; and

**c)** A demonstration that an attempt has been made to resolve the matrix interference(s).

**(3)** In cases where true matrix interference(s) can be demonstrated, a discharge-specific MDL will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific MDLs will be incorporated into the wastewater discharge permit of the Nondomestic User.

**(b)** Mercury Reduction Plans. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the Superintendent may require any Nondomestic User with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (“MRP”). The MRP may be required by permit if the Nondomestic User has not violated the local limit for mercury, but the Superintendent has determined that a reasonable potential for such a violation may exist. MRPs may be required in notices of violations, orders or other enforcement actions when the Nondomestic User has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

**(1)** A written commitment by the Nondomestic User to reduce all nondomestic discharges of mercury to levels below the MDL within 3 years of the MRP’s original approval date;

**(2)** Within 60 days of notification by the Superintendent that a MRP is required, the Nondomestic User shall apply an initial identification of all potential sources of mercury which could be discharged to the Building Drain;

**(3)** Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring the mercury discharges will be below the specified MDL within 3 years;

**(4)** A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with 245.1 methods;

**(5)** A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified MDL. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g. mercury discharges are already near MDL), the demonstration should incorporate the following:

**a)** Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations with the facility (e.g. a program of regular monitoring of sink traps where mercury containing reagents

had previously been disposed, but have since been substituted by non-mercury containing compounds);

**b)** Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by USEPA Federal Register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location; and

**c)** Loading calculations wherein the Nondomestic User calculates the total mass of mercury reduced from the Building Drain discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.

**(6)** A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall: (i) identify compliance or noncompliance with specific reduction commitments in the MRP; (ii) summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date; (iii) provide all applicable analytical data; (iv) provide an evaluation of the effectiveness of actions taken to date; (v) provide updates to the initial list of mercury containing compounds discharged to the Building Drain; and (vi) propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.

**(7)** Any other conditions that the Superintendent deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

**(8)** Failure to submit an approvable MRP within 30 days of the required due date shall constitute Significant Noncompliance in accordance with this Section, and will result in publication as a significant violator.

**(9)** A MRP may be evaluated for adequacy at any time by the Superintendent. If such an evaluation determines that the Mercury Reduction Plan is inadequate, or the Nondomestic User has not complied with its approved MRP, the Nondomestic User will be notified. Failure to comply with MRP requirement constitutes noncompliance. The Superintendent will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

**(10)** A Nondomestic User may request a release from MRP requirements if:

**a)** all samples of the discharge for a period of one year are less than the specified MDL;

**b)** the Nondomestic User has complied with minimum the monitoring frequency of quarterly sampling events; and

**c)** the Superintendent deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury

limitation. The Superintendent shall notify the Nondomestic User of any release from MRP requirements in writing.

(11) If the MRP requirement is waived by the Superintendent, the Nondomestic User remains subject to the local limitation for mercury in accordance with the requirements of this Section.

(12) Re-discovery of mercury in the Nondomestic User discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

**Section 2. Repeal.** All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. Permits issued under prior Ordinances 1993-12 and 2005-10, as previously amended, are not repealed or revoked, but remain in effect as now governed by this Ordinance.

**Section 3. Effective Date.** That the foregoing amendment to the Revised and Amended Allendale Charter Township Sewer Usage and Administration Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan on February 12, 2018, after introduction and a first reading on January 22, 2018, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective immediately upon publication on February 26, 2018 in the Advance Newspaper, a newspaper having general circulation in the Township.

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Adam Elenbaas, Supervisor

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Laurie Richards, Clerk

**CERTIFICATE**

I, Laurie Richards, Clerk for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Amendment to the Revised and Amended Sewer Usage and Administration Ordinance was adopted at a regular meeting of the Township Board held on February 12, 2018. The following members of the Township Board were present at the meeting: Elenbaas, Kraker, Richards, VanderWall, VanderVeen, Zeinstra.

The following members of the Township Board were absent: Hoekstra. The Ordinance was adopted by the Township Board with members of the Board Elenbaas, Richards, Kraker, Zeinstra, VanderWall, VanderVeen voting in favor and members of the Board voting in opposition.

The Ordinance was published in the Grand Valley Edition of the Advance Newspaper on February 25, 2018.

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Laurie Richards, Clerk