

PORTER TOWNSHIP
CASS COUNTY, MICHIGAN
PUBLIC WORKS SECTION

PART 60

SEPTAGE RECEIVING ORDINANCE

ORDINANCE # 8-02-11

An ordinance to provide for the disposal of septage waste at a licensed facility; authorize setting fees, charges or other costs for disposal of septage waste at Porter Township Wastewater Treatment Plant (PTWWTP) by municipal policy; prohibit the application of septage water to land or waters within the Township; and to provide penalties for violation of this ordinance.

THE TOWNSHIP OF PORTER, CASS COUNTY, MICHIGAN, ORDAINS:

60.000

60.001

SECTION 1
PURPOSE

To encourage disposal of septage generated in Porter Township at the Porter Township Wastewater Treatment Plant (PTWWTP), per Section 11708 of NREPA; to allow for the disposal of septage from within a 25 mile radius at the PTWWTP; to prohibit the land or water application of septage waste in Porter Township, per Section 11715 of NREPA; to establish rates, fees and costs for septage disposal at PTWWTP; and to promote the health, safety and welfare of Porter Township residents and the surrounding area.

60.002

SECTION 2
DEFINITIONS

DEQ means the Michigan Department of Environmental Quality.

Domestic septage means liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar storage or treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar facility that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease interceptor, grease trap, or other appurtenance used to retain grease or other fatty substances contained in restaurant waste.

Domestic treatment plant septage means biosolids generated during the treatment of domestic sewage in a treatment works and transported to a receiving facility or managed in accordance with a residuals management program approved by the DNRE.

Food establishment septage means material pumped from a grease interceptor, grease trap, or other appurtenance used to retain grease or other fatty substances contained in restaurant wastes and which is blended into a uniform mixture, consisting of not more than 1 part of that restaurant-derived material per 3 parts of domestic septage, prior to land application or disposal at a receiving facility.

NREPA means the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, which is codified as section 324.101 *et seq.* of Michigan Compiled Laws.

Sanitary sewer cleanout septage means sanitary sewage or cleanout residue removed from a separate sanitary sewer collection system that is not land applied and that is transported by a vehicle licensed under this part elsewhere within the same system or to a receiving facility that is approved by the DNRE.

Receiving facility means a structure that is designed to receive septage waste for treatment at a wastewater treatment plant or at a research, development, and demonstration project authorized under section 11511b of NREPA to which the structure is directly connected, and that is available for that purpose as provided for in an ordinance of the local unit of government where the structure is located or in an operating plan. Receiving Facility does not include either of the following:

- (a) A septic tank.
- (b) A structure or a wastewater treatment plant at which the disposal of septage waste is prohibited by order of the DEQ under section 11708 or 11715b of NREPA.

Septage waste means the fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a wastewater system. Septage waste consists only of domestic septage, domestic treatment plant septage, sanitary sewer cleanout septage, or any combination of these. Septage waste does not include food establishment septage or any substance or mixture not expressly defined as septage waste in this article.

Service area means the entire area within a 25 mile radius of the Porter Township

Township means Porter Township, Cass County, Michigan.

60.003

SECTION 3 DISPOSAL OF SEPTAGE WASTE

All septage waste collected in Porter Township is encouraged to be disposed of at the Porter Township Wastewater Treatment Plant (PTWWTP). Further, all septage waste collected in the portion of the service area not within the boundaries of Porter Township may be accepted for disposal at the PTWWTP. The PTWWTP is an “available” receiving facility for the purpose of receiving septage waste from the Service Area, as provided by NREPA Section 117011. No load of septage waste may

be accepted by the PTWWTP unless: (a) such septage waste has been made available for inspection by personnel of the PTWWTP; (b) disposal of such septage waste is consistent with the requirements of NREPA, the license of the PTWWTP under NREPA, the DEQ approved Porter Township Wastewater Treatment Plant and Septage Receiving Facility Operational Plan and this article; and (c) all rates, fees, charges, or other costs for septage waste disposal that are established as described in this article are paid in accordance with the Porter Township Wastewater Treatment Plant and Septage Receiving Facility Operational Plan. PTWWTP may reject any load of septage waste that is not in conformance with this section.

60.004

SECTION 4

**DISPOSAL OF ADDITIONAL WASTE AT PORTER
TOWNSHIP WASTEWATER TREATMENT PLANT**

As to any waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, or sludge that is removed from a wastewater system and that does not qualify as septage waste because its source is not one of those sources identified in the definition of septage waste, such waste shall not be disposed of at the PTWWTP unless, prior to disposal, each load of such waste has been inspected, sampled, tested, and documented as requested by staff of the PTWWTP in their discretion, and disposal of each load of such waste has been approved in advance by the PTWWTP in its discretion.

60.005

SECTION 5

PROHIBITION OF DEPOSIT OF SEPTAGE WASTE LAND OR WATER

No person shall deposit septage waste on any land in Porter Township, or in or upon any lake, pond, stream, ditch, manhole, river or other body of water in Porter Township.

60.006

SECTION 6

RATES, CHARGES AND OTHER COSTS

Rates, fees, charges, or other costs of disposal of septage waste at the PTWWTP shall be those established from time-to-time by resolution of the Township Board. At the reasonable discretion of the Sewer Board and/or the Porter Township Board, a person seeking to dispose of septage waste at the PTWWTP may be required to establish and maintain financial assurance for payment of rates, fees, charges, or other costs of such disposal, consisting of a performance bond, cash in escrow, or third-party guarantee satisfactory to the Sewer Board and/or the Porter Township Board.

60.007

SECTION 7

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 1st Offense within 3-year period*	\$100.00	\$500.00
- 2nd Offense within 3-year period*	\$200.00	\$500.00
- 3rd Offense within 3-year period*	\$325.00	\$500.00
- 4th or More Offense within 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Porter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

60.008

SECTION 8

RECOVERY OF ADDITIONAL COSTS

In addition to any other rates, fees, charges, fines, penalties or other costs, a person who has disposed of any material at the PTWWTP and violated any provision of this article shall be responsible for any additional costs incurred by the Sewer Board and/or the Porter Township Board as a result of such activity, including without limitation, expenses for additional monitoring, sampling or analysis, expenses for additional investigation, costs for additional reports, costs for storing, dumping or treating material, costs for damage to or loss of the treatment works, treatment process, or natural resources, or fines or penalties incurred by the Sewer Board and/or the Porter Township Board. Such person shall be notified in writing of all such charges and shall pay them within thirty (30) days of notification.

60.009

SECTION 9

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

60.010

SECTION 10

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

60.011

SECTION 11

EFFECTIVE DATE

This ordinance shall take effect thirty days following publication after adoption.

60.012

SECTION 12

ADOPTION DATE

This ordinance is hereby declared to have been adopted by the Township Board of the Township of Porter, Cass County, Michigan at a meeting held on the 2nd day of August, AD, 2011

Adopted: August 2, 2011
Published: August 9, 2011
Effective: September 9, 2011

Marty Russell, Clerk
Porter Township
P.O. Box 517
Union, MI 49130-0517
(269) 641-2375

CERTIFICATE OF ADOPTION

I, Marty Russell, Township Clerk of Porter Township, Cass County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Porter Township Board held on _____August 2, __ 2011, the Township Board adopted Ordinance No. __8-02-11____ to become effective thirty days following publication after adoption and that the members of the Township Board at said meeting voted on the adoption of said ordinance as follows:

- Supervisor Harvey - yes
- Clerk Russell - yes
- Treasurer Croninger – yes
- Trustee Northrup – yes
- Trustee Wylie – yes

I do further certify that a Notice of Adoption with a summary of the proposed ordinance was published on _____August 9_____, 2011 in the _South Bend Tribune____, a newspaper of general circulation within the Township.

Dated: ____August 10_____, 2011

PORTER TOWNSHIP

Marty Russell, Clerk