



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

December 13, 2011

Mr. David Nagy, Sewage Board Commissioner
Township of Porter
Porter Township Wastewater Treatment Plant
10191 US 12
Union, Michigan 49130-9601

Dear Mr. Nagy:

SUBJECT: Septage Receiving Facility Operating Plan Approval
Township of Porter Wastewater Treatment Plant

Review of the Township of Porter (Cass County) Wastewater Treatment Plant, septage waste operating plan by the Department of Environmental Quality (DEQ), Resource Management Division (RMD) is complete. The operating plan is approved and meets the requirements outlined in Section 11715b of Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, PA 451, as amended.

The receiving facility must operate in accordance with the approved plan. If a change in operations or conditions is anticipated, please file an amendment to the plan at least thirty (30) days prior to the proposed date for implementation.

If the receiving facility is regularly unable to accept and treat the septage generated from within its service area due to capacity issues, contact our office to discuss options,

Thank you for your continued environmental stewardship and service to those with on-site septic systems in and around your community and those who service them. Should you require further information, please contact me at the phone number below; chinneryj@michigan.gov; or DEQ, P.O. Box 30241, Lansing, Michigan, 48909-7741.

Sincerely,

Jon D. Chinnery, Sr.
On-Site Wastewater Unit
Solid Waste and Land Application Section
Resource Management Division
517-241-1452

cc: Mr. Michael Laufer, Van Buren/Cass District Public Health Department
Mr. Dale Ehinger, P.E., DEQ – Kalamazoo



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

December 13, 2011

Mr. Tim Tippman, Superintendent
Township of Porter
Porter Township Wastewater Treatment Plant
10191 US 12
White Pigeon, Michigan 49099

Dear Mr. Tippman:

SUBJECT: Septage Receiving Facility Operating Plan Approval
Township of Porter Wastewater Plant

Review of the Township of Porter (Cass County) Wastewater Plant septage waste operating plan by the Department of Environmental Quality (DEQ), Resource Management Division (RMD) is complete. The operating plan is approved and meets the requirements outlined in Section 11715b of Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, PA 451, as amended.

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517-241-1452

cc: Mr. Michael Laufer, Van Buren/Cass District Public Health Department
Mr. Dale Ehinger, P.E., DEQ - Kalamazoo



Department of Environmental Quality

DEQ Septage Waste Receiving Facility Checklist

Name of Septage Receiving Facility:

Porter Twp. WWTP & SWRF

DEQ Reviewer: Jon Chinnery

Review Date: November 28, 2011

Address of Septage Waste Receiving Facility:

10191 US 12

Union, Michigan 49130-9601

County: Cass

Facility Contact:

Mr. Tim Tippmann

Telephone Number:

269-483-1090

The following information must be submitted in the Operation Plan
in order to receive DEQ approval:

<u>Requirement</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
1. Location of septage RF.	X		
2. Hours of operation.	X		
3. Categories of septage waste the RF will receive.	X		
4. If food establishment septage is accepted, does the RF require that the FES meets the 1:3 ratio mandated by law? (Not OP req't.)		X	
5. *Fee structure charged to hauler.	X		
6. *Service area (septage acceptance) description of RF defined in detail.		X	Map not provided in plan.
7. Notice of proposed operation plan:	X		
a) Was the plan mailed to county HD and legislative body of each city, village and township located in whole or in part of the service area?	X		
b) *Was it public noticed in the local newspaper?	X		
c) Was it posted on the facility website?	X		

DEQ Septage Waste Receiving Facility Checklist

Page 2

Name of Septage Receiving Facility:

<u>Requirement</u>	<u>Yes</u>	<u>No</u>	<u>Comments</u>
8. Did the notice contain the following?			
a. Statement that the RF proposed to or is currently receiving and will continue to receive septage waste for treatment.	X		
b. Statement in the notice that the proposed operating plan is available for review during normal work hours.	X		
c. A request for written comments on the proposed operation of the RF and the deadline for receipt of such comments, which shall not be less than 30 days after publication, posting, or mailing of the notice.	X		
d. Receiving facility capacity.			
I) Hydraulic capacity:	X		
II) Organic capacity:	X		
*III) Wet weather operation considerations (CSO & SSO)	X		
9. Other conditions established for the RF.	X		
*10. DEQ District Supervisor contacted via email to review plan.	X		
11. Scan DEQ approval letter and final operating plan for posting on the Septage Program website.	X		
12. Enter data into the main database and in the Facility Submittal tab of this spreadsheet.	X		

DEQ Septage Waste Receiving Facility Checklist

Page 3

Name of Septage Receiving Facility:

- *5. Fee structure - must be justified and reasonable in accordance with standard accounting practices.
- *6. This should be both written and illustrated on a map of the area. The service area information should include whether or not there is a county ordinance that also defines what they can or can't accept. It should also include whether or not they accept septage pumped outside of the service area.
- *7b. Check to see if there were any comments from the public and document.
- *8.d.(III). CSO-Combined Sewer Overflow and SSO-Sanitary Sewer Overflow.
- *10. Check with DEQ District Staff prior to approving the operating plan to ensure there are no operational and/or compliance concerns with the proposed SWRF.

S:\Solid Waste and Land Application\SEPTAGE\Septage Waste Receiving Facility\RF Tracking & Checklist

Chinnery, Jon (DEQ)

From: Campbell, Matthew (DEQ)
Sent: Monday, November 21, 2011 12:22 PM
To: Chinnery, Jon (DEQ); Falardeau, Ric (DEQ)
Subject: RE: Porter Twp Septage Receiving Station
Jon,

That is good news. When your approval letter is signed, dated and mailed to the facility please scan it and the operating plan so it can be posted on the website. Also, please update the main database so this "new" SWRF is available and shows up in our Septage Receiving Facility Directory. Last, enter the dates approved in the SWRF tracking spreadsheet.

Stop by if you have any questions on how this is done.

Thanks,

Matt

Matthew Campbell
Septage Waste Program Coordinator
Solid Waste & Land Application Section
Resource Management Division - DEQ
517-335-4178
www.michigan.gov/septage

From: Chinnery, Jon (DEQ)
Sent: Friday, November 18, 2011 9:27 AM
To: Falardeau, Ric (DEQ)
Cc: Campbell, Matthew (DEQ)
Subject: FW: Porter Twp Septage Receiving Station

From: Ehinger, Dale (DEQ)
Sent: Thursday, November 17, 2011 9:48 AM
To: Chinnery, Jon (DEQ)
Subject: Porter Twp Septage Receiving Station

Hi Jon,

I had a chance to look at the Porter Twp Septage Receiving Station information. It looks fine to me but I do have one question. What do septage haulers do if the facility has accepted all the septage they can handle?

Thank you,



11/28/2011

Dale Ehinger, P.E.
Environmental Engineer
Kalamazoo District Office
MDNRE, Water Resources Division
(269) 567-3571

Opt-in to the outdoors! Learn more about the Recreation Passport at [Michigan Recreation Passport](#)

Chinnery, Jon (DEQ)

From: Campbell, Matthew (DEQ)
Sent: Monday, October 31, 2011 3:10 PM
To: Chinnery, Jon (DEQ)
Subject: FW: Porter Twp SWRF Plan Update Request
Importance: High

Jon,

Please contact Ms. Covault concerning the status of your review of their SWRF operating plan. As a reminder, the plan was given to your for review on September 22, 2011. Let me know where it stands. If you have issued authorization for this plan let me know and I'll show you how to scan so we can post it on the program webpage.

Thanks,

Matt

From: Brittany Covault [mailto:bcovault@wightmanpetrie.com]
Sent: Monday, October 31, 2011 10:19 AM
To: Campbell, Matthew (DEQ)
Subject: Porter Septage Update

Matt,

Wightman Petrie needs to give Porter Township an update regarding the Porter Septage Project. Could we get an update from you as soon as possible?

Thank you,
Brittany

Brittany Covault
Project Engineer
WIGHTMAN PETRIE, INC.
4703 Chester Drive.
Elkhart, IN 46516
Ph: (574) 293-7762
F: (574) 294-3717

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Project Engineer
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4703 Chester Drive.
Elkhart, IN 46516
Ph: (574) 293-7762
F: (574) 294-3717

10/31/2011

Chinnery, Jon (DEQ)

From: Campbell, Matthew (DEQ)

Sent: Thursday, September 22, 2011 9:41 AM

To: Chinnery, Jon (DEQ)

CASS

Subject: Porter Twp - Draft SWRF Operating Plan - ~~St. Joseph~~ County

Jon,

I am placing the draft operating plan for this facility in your inbox. I have entered this into the tracking spreadsheet, database, and created a review checklist. The review checklist named 'Facility OP tracking and checklist' can be found in the following drive:

S:\Solid Waste and Land Application\SEPTAGE\Septage Waste Receiving Facility\RF Tracking & Checklist

Stop by if you have any questions or problems with this review.

Matt

Matthew Campbell
 Septage Waste Program Coordinator
 Solid Waste and Land Application Section
 Onsite Wastewater Unit
 Resource Management Division
 Michigan Department of Environmental Quality
 517-335-4178
www.michigan.gov/septage

CONTACT
 when
 Approved
 11/9/2011

MR. DAVID NAGY
 PORTER TWP. SEWER BOARD
 1-269-476-7043
 NAGY45@COMCAST.NET

KAZOO DIST. SUPR,
 CALL WATER SUPR,
 OR RE. FOR CASS Co.

CASS
 County

10/3/2011

September 14, 2011

Michigan Department of Environmental Quality
Water Bureau – DWEHS
Septage Waste Program
PO Box 30273
Lansing, MI 48909-7773

Attn: Matthew Campbell – Program Coordinator

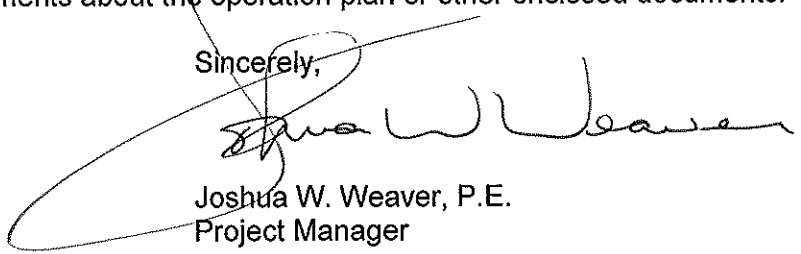
RE: PORTER TOWNSHIP - SEPTAGE RECEIVING STATION PROJECT

Dear Mr. Campbell:

Enclosed please find a copy of the septage receiving facility operational plan, copy of the septage receiving facility resolution, and proof of publication regarding the facility. All of the municipalities, health departments, and other required entities have been notified of the intention of the Porter Township Wastewater Treatment Facility to receive and treat septage waste within the 25 mile maximum radius of the facility.

Please feel free to contact me at (574) 293 – 7762 or via email at jweaver@wrightmanpetrie.com if you have questions or comments about the operation plan or other enclosed documents.

Sincerely,


Joshua W. Weaver, P.E.
Project Manager

Enclosures

G:\2010 Projects\2010-0084\Corres\MDEQ Trans Letter 09-14-11.docx



WIGHTMAN PETRIE

SURVEYING ENGINEERING ENVIRONMENTAL LANDSCAPE ARCHITECTURE

DEQ
SEP 20 2011
RESOURCE MANAGEMENT DIVISION

4703 Chester Drive • Elkhart, IN 46516 • p 574.293.7762 • f 574.294.3717

Kenneth K. Jones, PLS
Kenneth K. Jones, Jr., PLS
Beryl M. Jones, PLS
Peter H. Schnaars, PLS
Jeffrey S. Barnes, PLS
Mikel D. Currier, PLS
John G. Kamer, PLS

Mark E. Wilson, PE
Joshua W. Weaver, PE
Stephen H. Fralish, PE MS
Nicholas D. LaCroix, PE, PTOE
Matthew D. Glass, PE
Brian B. Konarski, PE
Thomas A. Deneau, PE MS

Chris Chockley, ASLA, LEED AP
Christopher J. Brayak, AIA
Eric A. Zell, LEED AP

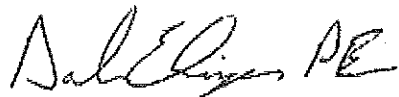
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Environmental Engineer
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MDNRE, Water Resources Division
(269) 567-3571

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11/18/2011

Ad Number: 4316423, Publication: TR

PORTER TOWNSHIP
CASS COUNTY, MICHIGAN
SEPTAGE RECEIVING

ORDINANCE

ORDINANCE 8-02-11

ADOPTED 8/2/11

EFFECTIVE 30 DAYS AFTER
PUBLICATION

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 ordinance contains

Section 1

Purpose

Section 2

Definitions

Section 3

Disposal of Septage Waste

Section 4

Disposal of Additional Waste at
PTWWTP

Section 5

Prohibition of Deposit of Septage
Waste Land Or Water

Section 6

Rates, Charges and Other Costs

Section 7

Sanctions

Section 8

Recovery of Additional Costs

Section 9

Severability

Section 10

Repeal

Section 11

Effective Date

Ordinance adopted at a special meeting of the Porter Township Board held on August 2, 2011

The complete ordinance may be seen at the Clerk's office at 69373 Baldwin Prairie Rd, Union, MI

Marty Russell
Porter Township Clerk

1t: 8: 9

State of Indiana

St. Joseph County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Jacki Krolczyk who, being duly sworn says that she is of competent age and is Advertising Director of the South Bend Tribune, a daily newspaper which for at least five (5) consecutive years has been published in the City of South Bend, county of St. Joseph, State of Indiana, and which during the time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English Language and entered, authorized and accepted by the post office department of the United States of America as mailable matter of the second-class as defined by the act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which was duly published in said newspaper.

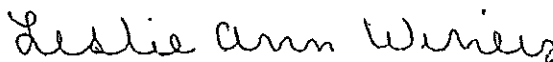
1 time(s), the dates of publication being as follows:

August 9, 2011



Subscribed and sworn to before me this 9th day

of August 2011



Leslie Ann Winney

Notary Public

Resident of St. Joseph County

My commission expires December 21, 2016

Charges: \$ 19.37

PORTER TOWNSHIP WASTEWATER TREATMENT PLANT AND SEPTAGE RECEIVING FACILITY

SEPTAGE RECEIVING FACILITY OPERATIONAL PLAN

This plan has been developed in accordance to the regulatory requirements of Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451. The Porter Township Wastewater Treatment Plant (PTWWTP) will start accepting domestic sewage. The acceptance of this septage will provide a valuable service to the service area as well as a potential additional revenue stream to the Township's system. This Septage Receiving Facility Operation Plan has been prepared in accordance with the requirements of Section 324.11715b.

Location

The Porter Township Septage Receiving Facility is located at the Porter Township Wastewater Treatment Plant located at 10191 US Highway 12, White Pigeon, MI 49099, see attached map on Figure 1. The PTWWTP office phone number is 269 483-1090, plant superintendent is Tim Tippman.

Background

The PTWWTP average raw sewage loadings and design parameters are shown in the following table.

Parameter	Design	Average
Flow	0.40 MGD NPDES, Max Day	0.165 MGD
CBOD5	834 lbs/day	194/day
TSS	1,000 lbs/day	255/day

The Porter Township Wastewater Treatment Plan is a 400,000 GPD Sequencing Batch Reactor, including tertiary filter and ultra violet disinfection, constructed in 2004-2005. The Porter Township Wastewater Treatment Plant is regulated by the MDEQ under NPDES Permit #MI0057602.

Septage Receiving Station Location and Description

The Septage Receiving Station will be accessed by entering the PTWWTP's main gate. Once the truck passes through the gate it will continue around the outside drive. The receiving station is located on the north side of the drive to the north of the treatment building. The driver will stop at the office and advise the operator regarding delivery of septage before proceeding to the receiving station. The driver will see the receiving connection next to the yard hydrant and light pole, and will park his truck and unload accordingly. The receiving equipment consists of a rock trap and flow control valve. The driver will be responsible to empty the rock trap into the dumpster upon completion of delivery. Grab samples may be taken for testing at the operator's discretion. Delivered septage volume will be estimated by the operator based on the depth in the receiving tank and a corresponding tank volume table. The screened septage is then discharged to the wastewater treatment plant headworks.

VOLUME MEASUREMENT TABLE

Depth	Incremental Volume	Total Volume
(Feet)	(Gallons)	(Gallons)
0	0	0
1	618.50	618.50
2	618.50	1,237.01
3	618.50	1,855.51
4	309.45	2,164.96
5.27	37.31	2,202.26

The plant operator will be able to estimate the volume of septage received by measuring the change in liquid level and using the above table.

Septage Treatment Process

The PTWWTP Septage Receiving Facility will have a maximum daily capacity of 5,000 gallons. Domestic septage is anticipated at 6,500 mg/l BOD and 13,000 mg/l TSS.

Septage will be discharged from the receiving station to the PTWWTP influent prior to the headworks. The rate of transfer will be controlled by the operator of the plant. See attached flow diagram below.

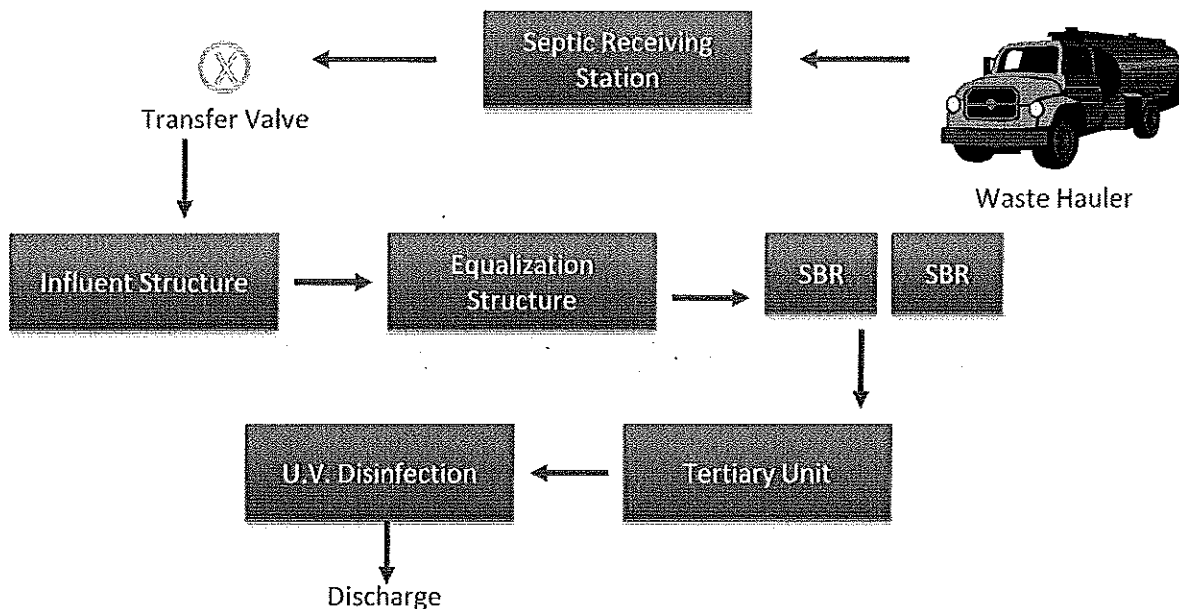


Figure 2
Flow Schematic

Septage Receiving Hours of Operation

The operating hours for the receiving station will be 7:00 a.m. to 3:00 p.m., Monday thru Friday with an approved application for discharge. Each hauler will be required to fill out a credit application for proper billing and provide proof of proper insurance required by the Township. Upon approval, the hauler will be permitted to deliver septage to the PTWWTP Septage Receiving Facility. Haulers that do not go through this process will not have access to the receiving station.

Septage Accepted

Septage and hauled waste can be a high variety of materials, which may include grit, organics, suspended solids, and grease. The PTWWTP Septage Receiving Facility will accept the following: (a) domestic septage pumped from home septic tanks.

Every load that is brought to the Septage Receiving Station must be accompanied by a "Hauled Waste Tracking and Discharge Ticket". The information required shall include identification of the hauling company, truck and driver I.D., origin of septage discharge, including name and address of each location pumped in the truck load and time and date the septage tank(s) were pumped out.

Sampling

The sampling of domestic septage will be on a random basis as determined by the PTWWTP operator. Porter Township reserves the right to sample any and all domestic septage discharged to the PTWWTP.

Regulatory Structure

Septage haulers are regulated by the Septage Receiving Facility Ordinance. The Septage Receiving Facility Ordinance is posted the Porter Township's website, www.portertownship.org. On the website click on "Ordinances" at the left side of the page. Select "Septage Ordinance" on the Ordinances page.

Fee Structure

The fee structure will be set, and revised from time to time, in the Township's Sewer Rate Ordinance. The basis for the fee structure will be as follows:

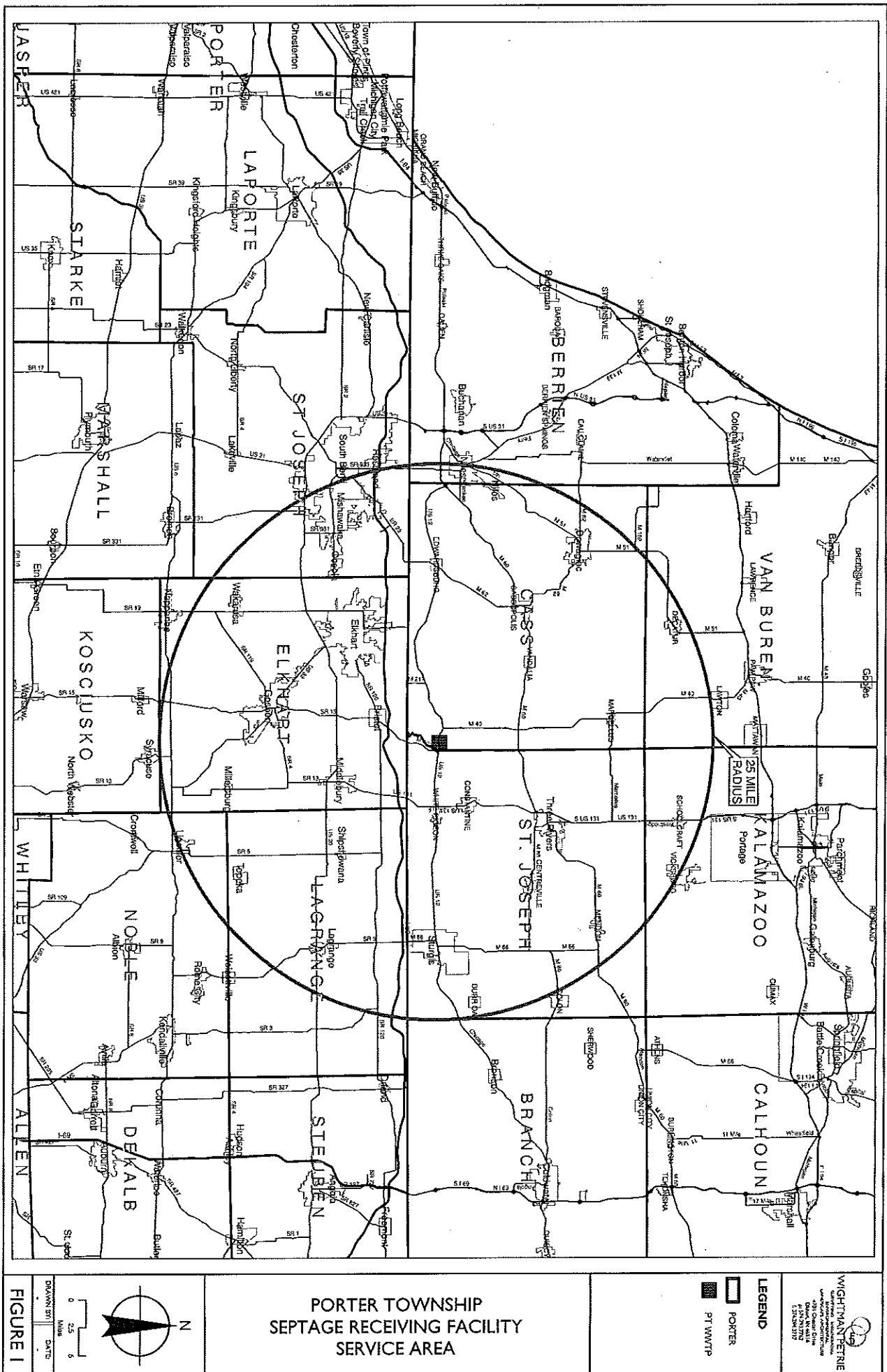
Haulers of domestic septage as described above will pay a per gallon charge based on annual OM&R (operation, maintenance and debt repayment) this includes costs of the receiving station, a portion of the treatment facility that is handling the solid's disposal, and the processing of supernatant from the solids handling. In addition, the rates are structured to include debt repayment from the loan in 2005 to build the receiving station. The rate will be set at \$0.049 per gallon. A discount will be given for pre-paying based on the following chart:

Pre-paid (gal)	Per gal. rate	Pre-payment	Savings
25,000	0.048	\$1,200.00	\$50.00
50,000	0.047	\$2,350.00	\$150.00
75,000	0.046	\$3,450.00	\$300.00
100,000	0.045	\$4,500.00	\$500.00
150,000	0.044	\$6,600.00	\$900.00

Porter Township reserves the right to change any and all fees for the Septage Receiving Facility, any change in rates will be posted a minimum of 30 days prior to the change.

Service Area

The PTWWTP will accept septage waste from the area that is 25 radial miles from the geographic center of the plant. This service area for the Septage Receiving Facility will include parts of Berrien, Cass, VanBuren, Kalamazoo and St. Joseph Counties, Michigan. See attached map showing service area coverage on Figure 1.



TOWNSHIP OF PORTER
COUNTY OF CASS, STATE OF MICHIGAN

Resolution # 08-09-11.1

Septage Receiving

August 9 , 2011

WHEREAS, Section 11708 of the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (NREPA) requires that "if a person is engaged in servicing in a receiving facility service area, that person shall dispose of septage waste at that receiving facility or any other receiving facility within whose service area the person is engaged in servicing; and

WHEREAS, the Porter Township Wastewater Treatment Plant (PTWWTP) is a septage waste receiving facility and the service area of the PTWWTP is the entire area within a 25 mile radius from the PTWWTP; and

WHEREAS, Section 11715 of NREPA authorizes a local unit of government such as Porter Township to prohibit the application of septage waste to land within that governmental unit if a receiving facility is available that can lawfully accept all septage waste generated within that governmental unit that is not lawfully applied to land; and

WHEREAS rates, fees, charges or other costs for disposal of septage at the PTWWTP shall be established by resolution of the Porter Township Board, which may be amended from time to time; and

WHEREAS operation of the PTWWTP as a septage receiving facility receiving septage waste from within its service area will benefit the public health, safety and welfare of the citizens of Porter Township and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED that Porter Township hereby adopts the Porter Township Septage Receiving Ordinance, Ordinance # 8-02-11 , and amends its Code of Ordinances accordingly.

BE IT FURTHER RESOLVED that this resolution take effect immediately upon adoption, and any policies or provisions of prior resolutions in conflict with this Resolution are hereby rescinded.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Porter Township Board held on August 9, 2011; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.


Marty Russell, Clerk
Porter Township

**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.

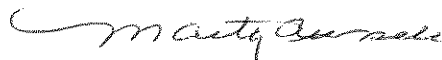
60.012

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

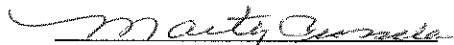
I, Marty Russell, Township Clerk of Porter Township, Cass County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Porter Township Board held on August 2, 2011, the Township Board adopted Ordinance No. 8-02-11 to become effective thirty days following 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

TOWNSHIP OF PORTER
COUNTY OF CASS, STATE OF MICHIGAN

Resolution # 08-09-11

Septage Receiving Fee Structure

August 9 , 2011

WHEREAS, the Porter Township Wastewater Treatment Plant (PTWWTP) is a septage waste receiving facility and the service area of the PTWWTP is the entire area within a 25 mile radius from the PTWWTP; and

WHEREAS, Section 11715 of NREPA authorizes a local unit of government such as Porter Township to prohibit the application of septage waste to land within that governmental unit if a receiving facility is available that can lawfully accept all septage waste generated within that governmental unit that is not lawfully applied to land; and

WHEREAS rates, fees, charges or other costs for disposal of septage at the PTWWTP shall be established by resolution of the Porter Township Board, which may be amended from time to time; and

WHEREAS operation of the PTWWTP as a septage receiving facility receiving septage waste from within its service area will benefit the public health, safety and welfare of the citizens of Porter Township and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED that Porter Township hereby adopts the following fee structure for disposal of septage waste at the PTWWTP, which fee structure may be amended from time to time by the Porter Township Board:

1. Haulers of domestic septage as described in the Porter Township Septage Receiving Ordinance will pay a per gallon charge based on the annual OM & R (operation, maintenance and debt repayment), which includes costs of the receiving station, a portion of the treatment facility that is handling the solid's disposal and the processing of supernatant from the solids handling. In addition, the rates are structured to include debt repayment of the loan in 2005 to build the receiving station. The rate will be set at \$0.049 per gallon.
2. A discount to the above rate will be given for pre-paying based on the following chart:

Pre paid (gallon)	Per gal rate	Pre-payment	Savings
25,000	0.048	\$1,200.00	\$50.00
50,000	0.047	\$2,350.00	\$150.00
75,000	0.046	\$3,450.00	\$300.00
100,000	0.045	\$4,500.00	\$500.00


150,000	0.044	\$6,600.00	\$900.00
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3. Porter Township reserves the right to amend any and all fees for disposal of septage at the PTWWTP upon approval by the Porter Township Board.

BE IT FURTHER RESOLVED that this resolution take effect immediately upon adoption, and any policies or provisions of prior resolutions in conflict with this Resolution are hereby rescinded.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Porter Township Board held on ____August 9,_____, 2011; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.


Marty Russell, Clerk
Porter Township