

Milton Township Notice of Adoption of
MILTON TOWNSHIP ORDINANCE 2007-03

SEPTAGE WASTE DISPOSAL

Adopted: July 16, 2007

Effective: August 25, 2007

An ordinance to: require septage waste servicers to dispose of septage waste at a licensed facility; prohibit the application of septage waste to land or waters within the township; and to provide penalties for violation.

WHEREAS, Section 11708 of the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994 (“NREPA”) requires that a person licensed in the business of septage waste servicing shall deposit all septage waste in a public septage waste treatment facility if such a facility is available to receive that septage waste and is located within 15 radial miles of the location where the septage waste is received; and

WHEREAS, Section 11715 of NREPA authorizes a local governmental unit such as Milton Township to prohibit 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, there is currently existing and operating a septage waste receiving facility operated by the City of Niles, specifically, the Niles Sewage Treatment Plant located at 21 Marmont Street, Niles, Michigan, which is licensed to receive septage waste and which is willing to accept septage waste originating in Milton Township; and

WHEREAS, the Niles Sewage Treatment Plant is located a reasonable distance from and is accessible by suitable roads from all locations within Milton Township; and

WHEREAS, land application of septage waste within Milton Township has on various occasions resulted in objectionable and potentially hazardous conditions which have adversely affected the public health, safety and welfare.

THEREFORE, MILTON TOWNSHIP, located in Cass County, Michigan
ORDAINS:

Section 1. Definitions:

.1 “Septage Waste.” “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 food establishment septage, domestic septage, domestic treatment plant septage or sanitary sewer cleanout septage, or any combination of these.

.2 “Receiving Facility.” “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 MREPA 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 Michigan Department of Environmental Quality under section 11708 or 11715b of NREPA.

.3 “Licensed septage waste servicer.” “Licensed septage waste servicer” means a person or entity engaged in the business of servicing septage waste under a license granted by the Michigan Department of Environmental Quality for the servicing of septage waste.

Section 2. Disposal of septage waste. All septage waste collected in Milton Township by a licensed septage waste servicer shall be disposed at the septage waste receiving facility known as the Niles Sewage Treatment Plant located at 21 Marmont Street in Niles, Michigan or at another duly licensed receiving facility, regardless of the distance between the location of the receiving facility and the location where the septage waste is collected. Nothing in this section precludes the lawful disposal of septage waste outside the State of Michigan.

Section 3. Prohibition of deposit of septage waste on land or water in Milton Township. No person shall deposit septage waste on any land in Milton Township, or in or upon any lake, pond, stream, ditch, manhole, river or other body of water in Milton Township.

Section 4. Violations and Penalties. Any person who violates the provisions of this Ordinance shall be guilty of a municipal civil infraction punishable by civil fine of not more than \$500. If the violation is of a continuing nature, each day the violation occurs is a separate offense. The penalties for violation of this Ordinance shall be in addition to any penalties, fines, forfeiture, injunctions and/or license sanctions that may be imposed by any other ordinance of Milton Township or any law or regulation of the state of Michigan or the federal government. Nothing in this Ordinance shall be construed to relieve any person from any licensing requirements imposed by any other local, state or federal ordinance, regulation, or law.

Section 5. Severability. The sections and/or subsections of this Ordinance shall be deemed to be severable. Should any section, subsection, or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the same may be stricken without affecting the validity of the Ordinance as a whole or part thereof not declared to be unconstitutional or invalid.

Section 6. Repealer. All prior ordinances and/or regulations in conflict with or inconsistent with this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect 30 days after publication.

Copies of the ordinance may be viewed at the Milton Township Hall located at 2576 E. Bertrand Road, Niles, Michigan, Mondays & Fridays, 9:00 a.m. to 5:00 p.m. and Wednesdays, 9:00 a.m. to 1 p.m. or by appointment by calling the Township Clerk at 269-684-7262.

Jacqueline Boggs, Milton Township Clerk.