

ORDINANCE NO. 12-700

CITY OF ISHPEMING SEWER USE ORDINANCE

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An Ordinance Regulating the User of Public and Private Sewers and Drains, Private Sewage Disposal, the Installation and Connection of Building Sewers, the Discharge of Waters and Wastes into the Public Sewer System of the Enacting Municipal Corporation and Providing Penalties for Violations Thereof.

Be it ordained and enacted by the Council of the City of Ishpeming, County of Marquette, State of Michigan, as follows:

#### ARTICLE I - DEFINITIONS

SEC. 101. AMMONIA NITROGEN (NH<sub>3</sub>-N) - One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub><sup>+</sup>. Quantitative determination of Ammonia Nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

SEC. 102. APPROVING AUTHORITY shall mean the City Council or its duly authorized deputy, agent, or representative.

SEC. 103. BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with Procedures set forth in "Standard Methods".

SEC. 104. BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

SEC. 105. BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection or lateral.

Except as provided in this Ordinance, building sewers shall be subject to the jurisdiction of the City of Ishpeming, but the City of Ishpeming shall not be responsible for the construction and/or maintenance of such sewers.

SEC. 106. COMBINED SEWER shall mean any sewer intended to serve as a sanitary sewer and a storm sewer.

SEC. 107. COMMERCIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage. This definition shall also include multi-family residences having three or more units served by a single meter.

SEC. 108. COMPOSITE SAMPLE (24 hours) shall be the combination of individual samples taken at intervals of not more than one hour.

SEC. 109. COMPATIBLE POLLUTANT means biochemical oxygen demand, suspended solids, PH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works was designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.

SEC. 110. CHLORINE REQUIREMENT shall mean the amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods".

SEC. 111. EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

SEC. 112. EXTRANEIOUS FLOW shall include the flow of water or any other liquid from drain tile, sump pumps, footing drains, roof drains, parking lots, or from any other container, basin, or holding device which collects, stores, or drains rain water, surface runoff water, or groundwater.

SEC. 113. FLOATABLE OIL is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

SEC. 114. FLOW PROPORTIONAL SAMPLE - A sample taken that is proportional to the volume of flow during the sampling period.

SEC. 115. GARBAGE shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of food products and produce.

SEC. 116. GOVERNMENTAL USER shall mean any user whose premises are used for the conduct of the legislative, judicial, administrative, or regulatory activities of Federal, State, local or international units of government. This does not include government-owned and operated business establishments.

SEC. 117. GROUND GARBAGE shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

SEC. 118. INCOMPATIBLE POLLUTANT means any pollutant which is not a compatible pollutant.

SEC. 119. INDUSTRIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, transportation, communications or utilities, mining, agriculture, forestry, or fishing.

SEC. 120. INDUSTRIAL WASTE - Any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary conveniences.

SEC. 121. INSTITUTIONAL USER shall mean any user whose premises are used primarily for the conduct of activities of a social, charitable, religious, or educational character.

SEC. 122. INTERCEPTING SEWER - A sewer whose primary purpose is to convey sewage from a collection system or systems to a wastewater treatment plant. Size of the

sewer is not a factor.

SEC. 123. NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

SEC. 124. NORMAL DOMESTIC SEWAGE shall mean sanitary sewage resulting from the range of normal domestic activities, in which BOD5 and SS concentrations do not exceed normal concentrations of:

- a) A five day, 20 degree C, BOD of not more than 180 mg/l.
- b) A suspended solids content of not more than 260 mg/l.
- c) A phosphorus content of not more than 24 mg/l.
- d) An ammonia nitrogen content of not more than 25 mg/l.

SEC. 125. NPDES PERMIT - Permit issued under the National Pollutant Discharge Elimination System.

SEC. 126. PERSON shall mean each and every person including, without limitation, every individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

SEC. 127. pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

SEC. 128. PHOSPHORUS (P) - Total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphate, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in "Standard Methods".

SEC. 129. PRETREATMENT shall mean an arrangement of devices and structures, for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.

SEC. 130. PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the City of Ishpeming. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City of Ishpeming sanitary sewer system, even though those sewers may not have been constructed with City funds.

SEC. 131. SANITARY SEWAGE shall mean a combination of water carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants); together with such ground, surface and storm waters as may be present.

SEC. 132. SANITARY SEWER shall mean a sewer that carries sanitary and industrial water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface water that

are not admitted intentionally.

SEC. 133. SEGREGATED DOMESTIC WASTES may be defined as wastes from non-residential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.

SEC. 134. SEWAGE is the spent water of a community. The preferred term is "wastewater", Sec. 147.

SEC. 135. SEWAGE SYSTEM shall mean the composite network of underground conduits carrying wastewater and appurtenances incidental thereto (i.e., manholes, lift stations, service lateral).

SEC. 136. SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SEC. 137. "SHALL" is mandatory; "MAY" is permissive.

SEC. 138. SLUG shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

SEC. 139. STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

SEC. 140. STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

SEC. 141. STORM WATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

SEC. 142. SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquid, and that are removable by laboratory filtering as prescribed in "Standard Methods" and are referred to as non-filterable residue.

SEC. 143. TEN STATE STANDARDS shall mean the criteria for the design and preparation of plans and specifications for sewage treatment works contained in "Recommended Standards for Sewage Works", developed by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers.

SEC. 144. UNPOLLUTED WATER is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

SEC. 145. USER means a person who discharges solid, liquid or gaseous material, directly or indirectly, into the City of Ishpeming wastewater treatment works.

SEC. 146. USER CLASSES are categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this ordinance, there shall be five user classes: residential, commercial, industrial, institutional, and governmental.

SEC. 147. WASTEWATER shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

SEC. 148. WASTEWATER FACILITIES shall mean the treatment works defined in Sec. 149 below exclusive of interceptor sewers and wastewater collection systems.

SEC. 149. WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for the storage, treatment, recycling, and reclamation of wastewater, liquid industrial wastes, and sludge. These systems include interceptor sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal or industrial wastes.

SEC. 150. WATERCOURSE shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

## ARTICLE II - USE OF THE PUBLIC SEWERS

### SEC. 201 - SANITARY SEWERS.

- (1) No person(s) shall discharge or cause to be discharged any unpolluted waters as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer from sources not in existence at the time of the passage of this Ordinance, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.
- (2) No person(s) shall make any connection to any public sewer, building sewer, manhole, or catch basin, or to any other portion of the wastewater treatment works for the purpose of introducing any extraneous flow into the system.
- (3) No person(s) shall place into, add to, or introduce into the wastewater treatment works any extraneous flow from and after the effective date of this Ordinance.
- (4) Except as otherwise provided, this Ordinance shall not prohibit the introduction of extraneous flow into the public sewers from any existing sources; provided, however, that prior to completion of the sewer system rehabilitation and separation work required by the City's NPDES Permit, all connections then

existing such as roof drains, parking lot drains, and all other drains which introduce water collected at grade or a bore grade into the wastewater treatment works shall be disconnected and rerouted into a storm sewer or natural outlet intended to transport unpolluted water.

The Approving Authority shall publish notice in a newspaper regularly circulated in the City of Ishpeming when such sewer system rehabilitation and separation work commences in the City. Said notices shall be published on at least five (5) separate days, shall briefly explain the requirements of this Ordinance and the need to disconnect those sources of extraneous flow prohibited herein, and shall give an approximate date when the sewer system rehabilitation and separation work is expected to be completed. A copy of said published notice shall also be mailed to each sewer user in the next regular sewer billing which follows the date of the first newspaper publication of this notice.

SEC. 202 - USER CONNECTIONS. The owner(s) of all houses, buildings, or other structures in which wastewater originates, situated within the City of Ishpeming and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City passing not more than 200 feet from the structure is (are) hereby required at the owner(s) expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance within three (3) months after the date of official notice from the Approving Authority to do so. In default thereof, said work shall be completed by the City including any other necessary connections, and the expense thereof shall be charged to said owner and assessed to said premises. Official notice shall be served upon the owner and occupant of said premises personally, or by certified mail, return receipt requested, and by posting same in a conspicuous place upon the premises.

SEC. 203 - STORM SEWERS. Storm water other than that exempted under Section 201, Article II, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Approving Authority, to a storm sewer or natural outlet.

SEC. 204 - PROHIBITIONS AND LIMITATIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

- (1) Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard or has an adverse effect on the waters receiving any discharge from the treatment works.
- (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures,



equipment or personnel of the wastewater works.

- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities set forth below for purposes of protecting the sewers, wastewater treatment process and equipment, to protect the receiving stream, and to protect life, limb, public property, and to prevent the creation of a nuisance. The Approving Authority may set limitations more stringent than the limitations established in the regulations below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:
  - (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
  - (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
  - (c) Any water or waste which contains more than 100 mg/l of fat, oil, or grease.
  - (d) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - (e) Any waters or wastes containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.
  - (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
  - (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with

applicable state or federal regulations.

- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (i) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (k) Materials which exert or cause:
  - 1. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
  - 2. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
  - 3. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  - 4. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
- (l) Any material discharged or received in the composite wastewater at the wastewater treatment works which exceeds the limits established by law.

No wastewater, regardless of character, shall be discharged to the sewage system in such a manner as to interfere with the designed operation of the collection system or treatment facilities, or to cause the treatment works to exceed the limits presented by the NPDES permit.

SEC. 205 - SPECIAL WRITTEN ARRANGEMENTS. No statement contained in this Article shall be construed as prohibiting any special agreement in writing between the City of Ishpeming and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the City of Ishpeming without recompense by the person, and provided further that all rates and provisions set forth in this Ordinance are recognized and complied with.

SEC. 206 - NEW CONNECTIONS. New connections to the sewage system shall not be permitted if there is insufficient capacity in the treatment works to adequately

transport or treat, as required by the NPDES Permit, the additional wastewater anticipated to be received from such connections.

### ARTICLE III - CONTROL OF HIGH STRENGTH - TOXIC WASTES INTRODUCED INTO PUBLIC SEWERS

SEC. 301 - SUBMISSION OF BASIC DATA. Within three (3) months after passage of this Ordinance, every establishment discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided on the form identified as Attachment 1 of this Ordinance.

Similarly, each establishment desiring to make a new connection to the public sewers for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

SEC. 302 - EXTENSION OF TIME. When it can be demonstrated that circumstances exist which create an unreasonable burden on the establishment to comply with the time schedule imposed by Section 301, a request for extension of time may be presented for consideration of the Approving Authority.

SEC. 303 - HIGH STRENGTH - TOXIC DISCHARGES. If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances identified in Article II or which possess any of the characteristics enumerated in Article II, or which in the judgment of the Approving Authority may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise may create a hazard to life, health, or which may constitute a public nuisance, the Approving Authority may:

- (a) Reject the wastes; or
- (b) Require pretreatment to an acceptable limit for discharge to the public sewers;  
or
- (c) Require control over the quantities and rates of discharge, or
- (d) Require payment to cover the added cost of handling or treating the wastes.
- (e) Take any additional action which in its judgment is required to protect the wastewater treatment works, or the public health, safety, or welfare.

The toxic pollutants subject to prohibition or regulation under this Article shall also include, but are not limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Section 307(a) of the Clean Water Act of 1977, and rules and regulations issued thereunder.

Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations

of Section 307(b) of the Clean Water Act of 1977 and subsequent amendments, and all rules and regulations issued thereunder. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

SEC. 304 - CONTROL MANHOLES. Each user discharging industrial wastes into a public sewer may be required by the Approving Authority to construct and maintain one or more control manholes or access points and measuring devices to facilitate observation, measurement, and sampling of its wastes, including domestic sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are required or used in a control manhole, they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities, and related equipment shall be installed by the establishment discharging the waste, at its expense, and shall be maintained by it so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction. Measuring devices, if required, shall not be removed without the written consent of the Approving Authority.

SEC. 305 - METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot adequately be determined from the metered water consumption records of the user. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger, at the cost and expense of the discharger. A maintenance schedule for each metering device must be approved by the Approving Authority. Following approval and installation, such meters shall not be removed without the written consent of the Approving Authority.

SEC. 306 - WASTE SAMPLING. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the user as often as may be deemed necessary by the Approving Authority, and the user shall, upon request, furnish all metering records and sampling results to the Approving Authority.

Sampling shall be conducted in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

SEC. 307 - ANALYSES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling

methods, location times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

SEC. 308 - PRETREATMENT. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, the user shall provide at its expense such preliminary treatment or processing facilities as may be determined required to render the wastes acceptable for admission to the public sewers.

SEC. 309 - SUBMISSION OF INFORMATION. Plans, specifications, and any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted by the owner for review of the Approving Authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

SEC. 310 - GREASE OR SAND INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 204(5)(c), Article II, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which records shall be subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

#### Section 311 - Mercury Removal Devices

- (1) Every user of the public sanitary sewer system that uses mercury in any fashion, and for any purpose, within any building or structure that is connected to the public sanitary sewer system, shall be required to install and properly maintain an approved mercury removal device ("MRD") which is designed to achieve at least a 95% removal efficiency. An approved MRD as required by this Section shall include any one of the following:
  - a) A1000 (manufactured by Air Techniques, Inc., Hicksville, N.Y.);
  - b) Amalgam Collector (manufactured by R & D Services, Seattle, WA.);
  - c) Asdex (manufactured by Avprox, Inc., St. Petersburg, FL.)
  - d) BullfroHg (manufactured by DRNA Dental Recycling, Hackensack, N.J.);

- e) Durr System 7800/7801 (manufactured by Air Techniques, Inc.)
- f) ECO II (manufactured by Metasys, Miami, FL.);
- g) Hg 5 (manufactured by SolmeteX, Inc., Northborough, Mass.)
- h) Hg 10 (manufactured by SolmeteX, Inc.)
- i) MRU (manufactured by DRNA Dental Recycling);
- j) MSS 2000 (manufactured by Maximum Separation Systems, Inc., Victoria, B.C., Canada)
- k) Rasch 890-4000 (manufactured by A. B. Dental Trends, Inc., Lyden, WA.)
- l) RME 2000 (manufactured by Rebec, Edmonds, WA.)

- (2) Upon installation of an approved MRD, a User shall immediately notify the City of Ishpeming Department of Public Works ("DPW") Superintendent, and shall allow the Superintendent (or his designee) to inspect the MRD during normal business hours. The User shall also furnish to the DPW Superintendent a copy of the manufacturer's maintenance and cleaning instructions for the unit.
- (3) Every User who has installed the MRD shall clean the unit in accordance with the manufacturer's instructions, and shall keep a written record of the dates of all cleaning and maintenance performed on the unit. Such records shall be made available to the City of Ishpeming for inspection and copying.
- (4) The City of Ishpeming DPW shall be authorized to inspect each MRD at least one time each year, which inspection may include a review of the cleaning and maintenance records maintained by the User.
- (5) Every User who has installed a MRD shall dispose of the filters, cartridges, or other media used in the mercury removal process in accordance with the manufacturer's instructions; provided, however, that under no circumstances shall the mercury removal media or any sludge or precipitate removed from the MRD be disposed of into the City sanitary or storm water sewer systems, or into the normal stream of solid waste. If any of the materials referred to in the preceding sentence are not returned to the MRD manufacturer for recycling or disposal, the User shall arrange for their delivery to a licensed hazardous materials handler for disposal.
- (6) Every User that falls within the requirements of subsection (1) above shall notify the Ishpeming City Manager in writing within thirty (30) days after publication of this Section 311, which notice shall include, at a minimum, the following:
  - a) Name of User;
  - b) Mailing address and telephone number of principal office of User, and a contact person at that address;

c) Address at which mercury is being used;

d) Approximate amount (by weight) of mercury used each week, and the reason mercury is being used and/or the process by which mercury is introduced into the sanitary sewer system.

(7) Every User that falls within the requirements of subsection (1) above shall install a MRD within one (1) year of the date of publication of this Section 311.

#### ARTICLE IV - RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION

SEC. 401 - RIGHT OF ENTRY. The Superintendent of the Department of Public Works, City Engineer, or other duly authorized employee of the City of Ishpeming bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, and testing, all in accordance with the provisions of this Ordinance and state law. The Superintendent of the Department of Public Works, City Engineer, or other duly authorized employee of the City shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

SEC. 402 - SAFETY. While performing the necessary work on private premises referred to in Section 401, the duly authorized City employees shall observe all reasonable safety rules applicable to the premises established by the owner or occupant.

SEC. 403 - IDENTIFICATION, RIGHT TO ENTER EASEMENTS. The public works personnel of the City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement.

#### ARTICLE V - SEWER CONSTRUCTION (BUILDING SEWERS)

SEC. 501 - WORK AUTHORIZED. No person, with the exception of authorized City employees, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority. The fee for this permit shall be \$90.00, and shall be paid prior to the issuance of the permit.

(a) In the case of new construction, if the City excavates or does any other work to install a sewer lateral, or to connect a lateral to a sewer main, the permit holder shall reimburse the City for all actual costs incurred by the City in doing the work.

(b) In the case of new construction, if a private contractor excavates or does any other work to install a sewer lateral, or to connect a lateral to a sewer main, the permit holder shall pay a connection fee to the City in the amount of \$250.00, and no such excavation or work shall be covered up until the work has been inspected and approved by the City Engineer or his or her designated

representative.

No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving a license from the State of Michigan and posting a \$5,000.00 bond with the Approving Authority, except in cases where State law permits building owners to do their own work without being licensed. Said bond shall be released upon satisfactory inspection of the work in accordance with Section 508 of this Article.

Prior to commencement of the work, the permittee shall notify Miss Dig at least 72 hours before beginning excavations.

SEC. 502 - COST OF SEWER CONNECTION. All costs and expenses incident to the installation, connection, or repair of the building sewer shall be borne by the Owner. The Owner shall indemnify the City of Ishpeming from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

In special cases where it is clearly established to the satisfaction of the Approving Authority that the cause of any condition requiring repair or maintenance of a building sewer originated in the public sewer, through no fault of the owner or occupant of the premises being served, the City Council may waive the payment requirements of this subsection, in whole or in part. In such cases, the City Council shall indicate by resolution the grounds for such waiver; provided, however, that such grounds shall not include failure due to age of the building sewer, to ordinary wear and tear, or to improper installation or use of improper materials or backfill.

In the event that emergency repairs on a building sewer are required and a licensed plumber cannot be located to commence repairs within a reasonable time, the City of Ishpeming may undertake the repair work. If the City supplies any labor or materials to repair any building sewer, it shall not undertake such work until and unless the following conditions are met:

- (1) The owner of the benefitted premises or structure shall execute a promissory note and a mortgage secured by the real estate or structure to be served to guarantee payment to the City for costs incurred in performing the work, which mortgage shall require, by its terms, the subordination of all other liens and encumbrances against the real estate or structure, so that the City shall have a first mortgage against the real estate or structure; or
- (2) A special assessment district shall have been created to finance such improvements (there shall be no minimum number of parcels necessary to create a special assessment district to finance such improvements); or
- (3) The owner of the premises shall make prepayment in full to the City based upon a written cost estimate provided by the Approving Authority or its authorized representative; and
- (4) The City Manager or his designee shall issue written authorization to undertake the work.

Immediately after the City shall have incurred any expense for any work performed by



it, there shall be prepared an account of labor and services together with all material used thereon for which such expense was incurred, verified by the City Manager, with the description of the lot or premises upon or in respect to which the expenses were incurred, and the name of the owner or persons chargeable therewith, and such verified statement shall be reported and submitted by said City Manager to the Approving Authority, and appropriate action shall be taken to collect said account in accordance with the arrangements for payment made with the person liable therefor. In the event that the owner of the premises or structure has prepaid a sum in excess of the actual costs incurred by the City, the City Manager shall see that a prompt refund is made. In the event that the prepayment made was less than the actual costs incurred by the City, the owner shall be liable therefor and shall be promptly billed therefor by the City Manager.

SEC. 503 - USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Approving Authority to meet all requirements for this Ordinance.

SEC. 504 - MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Ten State Standards, the building and plumbing code, and other applicable rules and regulations of the State of Michigan and the City of Ishpeming. In the absence of statutory ordinance or code provisions or an amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SEC. 505 - BUILDING SEWER GRADE. Whenever possible, every building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SEC. 506 - STORM AND GROUNDWATER DRAINS. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

All existing downspouts or groundwater drains, etc., connected directly or indirectly to a public sanitary sewer must be disconnected no later than 60 days from the date of an official written notice by the Approving Authority, or as provided in Sec. 201. Exceptions to the above shall be made only by the Approving Authority in writing. If any such exception is granted, an appropriate service charge shall be imposed.

SEC. 507 - CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Ishpeming and the State of Michigan or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved in writing by the Approving Authority before installation.

All connections to existing sewer mains shall be made with a saddle "T" or "Y"

fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion-resistant straps or rods, or with solvent-welded joints in the case of plastic pipe.

SEC. 508 - INSPECTION OF CONNECTION. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority, or its duly appointed agent.

SEC. 509 - BARRICADES: RESTORATION. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Ishpeming. All permit requirements for such work set forth in other City Ordinances shall continue to apply.

#### ARTICLE VI - SEPTIC TANK AND HOLDING TANK DISPOSAL

SEC. 601 - NO PERSON in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the City of Ishpeming.

#### ARTICLE VII - DAMAGE OR TAMPERING WITH SEWAGE FACILITIES

SEC. 701 - WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater treatment works. Every person violating this provision shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$100.00 or to imprisonment in the County Jail for a period not to exceed 90 days or by both such fine and imprisonment.

SEC. 702 - LIABILITY TO DISCHARGER FOR LOSSES. Any person who intentionally, negligently or accidentally violates any provisions of this Ordinance shall be liable to the City of Ishpeming and to any downstream user, for any expense, loss or damage occasioned by reason of such violation which the City or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in Section 801 and without regard to any other penalties which may be imposed for a violation of this ordinance.

#### ARTICLE VIII - VIOLATIONS AND PENALTIES

SEC. 801 - WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this Ordinance shall be served by the City of Ishpeming with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SEC. 802 - ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment works or the receiving body of water shall, in addition to paying a fine, pay the amount to cover all damage sustained by the City and by every downstream

user, both values to be established by the Approving Authority.

SEC. 803 - CONTINUED VIOLATIONS. Every person and any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, be fined not less than \$100 nor more than \$500 together with the costs of prosecution, and may be imprisoned in the Marquette County Jail for a period not to exceed 90 days, and may be punished by both such fine and imprisonment. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense, and shall be separately punishable.

SEC. 804 - LIABILITY TO CITY OF ISHPEMING FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the City of Ishpeming for all expense, loss, or damage occasioned by reason of such violation which the City of Ishpeming may suffer as a result thereof.

#### ARTICLE IX - APPEALS

SEC. 901 - PROCEDURES. Any user, permit applicant, or permit holder aggrieved by any decision, action, or determination, including cease and desist orders, interpreting or implementing the provisions of this Ordinance, or by any permit issued hereunder, may file with the Approving Authority a written appeal within ten (10) days, after the issuance of the decision or permit, setting forth in detail the facts supporting the user's appeal.

A fee of \$100 shall accompany any appeal for a ruling by the Approving Authority. This fee may be refunded if the appeal is sustained in favor of the appellant.

The written appeal shall be heard by the Approving Authority within 45 days from the date of filing the appeal. The Approving Authority shall make a final ruling on the appeal within 60 days from the date of hearing.

#### ARTICLE X - VALIDITY

SEC. 1001 - REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this Ordinance are hereby repealed.

SEC. 1002 - INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, provision or this Ordinance which can be given effect without such invalid part or parts.

SEC. 1003 - AMENDMENT. The City of Ishpeming reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

#### ARTICLE XI - AUDIT

SEC. 1101 - ANNUAL AUDIT. The City of Ishpeming shall conduct an annual audit, the purpose of which shall be to demonstrate the continued proportionality and sufficiency of the user charges relative to changes in system operation and maintenance costs.

ARTICLE XII - ENACTING CLAUSE

SEC. 1201 - DATE OF EFFECT. This Ordinance shall take effect and be in force from and after its passage, approval, recording and publication, as provided by law.

SEC. 1202 - DATE OF ENACTMENT (APPROVAL). Passed and adopted by the Council of the City of Ishpeming in the County of Marquette, and the State of Michigan, on the 23rd day of July, 1985.

Amended: December 17, 1986

Amended: February 5, 1997

Amended: October 5, 2005

ATTACHMENT 1: INDUSTRIAL SELF-MONITORING REPORT

ISHPEMING AREA JOINT WASTEWATER  
TREATMENT BOARD  
INDUSTRIAL SELF-MONITORING REPORT

THE ENCLOSED INFORMATION REPRESENTS OPERATIONS FOR CALENDAR YEAR 19 \_\_\_\_\_

**1. FACILITY IDENTIFICATION**

Name of Facility: \_\_\_\_\_  
 Mailing Street or Route: \_\_\_\_\_  
 Mailing City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Street or Hwy. of Location: \_\_\_\_\_  
 City of Location: \_\_\_\_\_

This facility occupies \_\_\_\_\_ acres of land and employs an average of \_\_\_\_\_ full-time persons. Of total production \_\_\_\_\_ % occurs from January through March, \_\_\_\_\_ % occurs from April through June, \_\_\_\_\_ % occurs from July through September, \_\_\_\_\_ % occurs from October through December. The normal operating schedule is \_\_\_\_\_ hours per day, \_\_\_\_\_ days per week, and \_\_\_\_\_ days per year.

Your operation is described by SIC Code(s): \_\_\_\_\_

If Applicable Parent Corporation: \_\_\_\_\_  
 Street or Route: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Name and phone number of the person to contact at your facility should any questions arise concerning this report: Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Ext.: \_\_\_\_\_

Signature of Person Certifying these Forms: \_\_\_\_\_  
 Title: \_\_\_\_\_ Date: \_\_\_\_\_

**2. OUTFALL IDENTIFICATION**

Discharge Point Number	Flow Variability In Gallons/Day		% Daily Flow As:			Storm Water Yes or No	pH Range	
	Max.	Avg.	Process	Cooling	Sanitary		Min.	Max.

\*Percentages must add to 100% for each outfall.

Note: Attach a map of all discharge locations. Attach to the map a brief description of any waste treatment or pretreatment applied to each discharge point.

3. DISCHARGE OF INDUSTRIAL OR TOXIC AND HAZARDOUS WASTES TO  
MUNICIPAL SYSTEM

Substance Being Reported	Concentration and Quantity		Substance Being Reported	Concentration and Quantity	
	mg/l	Lbs/Day		mg/l	Lbs/Day
*Thermal Discharge (°F)	MAX. AVG.		Mercury, Total If Analyzed	MAX. AVG.	
BOD, 5-day	MAX. AVG.		Selenium, Total If Analyzed	MAX. AVG.	
Solids, Total Suspended	MAX. AVG.		Silver, Total If Photographic Process	MAX. AVG.	
Oil and Grease	MAX. AVG.		Thallium, Total If Analyzed	MAX. AVG.	
Nitrogen (NO <sub>3</sub> +NO <sub>2</sub> )	MAX. AVG.		Nickel, Total If Analyzed	MAX. AVG.	
Nitrogen (Kjeldahl)	MAX. AVG.		Zinc, Total	MAX. AVG.	
Ammonia Nitrogen	MAX. AVG.		Phenols	MAX. AVG.	
Phosphorus, Total	MAX. AVG.		Cyanide, Total If Analyzed	MAX. AVG.	
Sulfide If Analyzed	MAX. AVG.		Dieldrin If Analyzed	MAX. AVG.	
Sulfate	MAX. AVG.		DDT If Analyzed	MAX. AVG.	
Chloride	MAX. AVG.		Endrin If Analyzed	MAX. AVG.	
Chlorine, Residual If Analyzed	MAX. AVG.		Hexachlorobenzene If Analyzed	MAX. AVG.	
Fluoride If Analyzed	MAX. AVG.		Aldrin If Analyzed	MAX. AVG.	
Antimony, Total If Analyzed	MAX. AVG.		Chlordane If Analyzed	MAX. AVG.	
Arsenic, Total If Analyzed	MAX. AVG.		Hexachlorocyclohexane If Analyzed	MAX. AVG.	
Beryllium, Total If Analyzed	MAX. AVG.		Methoxychlor If Analyzed	MAX. AVG.	
Cadmium, Total If Analyzed	MAX. AVG.		Pentachlorophenol If Analyzed	MAX. AVG.	
Chromium, Total	MAX. AVG.		Polychlor. Biphenyls If Analyzed	MAX. AVG.	
Copper, Total If Analyzed	MAX. AVG.				
Lead, Total If Analyzed	MAX. AVG.				
Manganese, Total	MAX. AVG.				

\*Itemize by discharge point if necessary.

4. MISCELLANEOUS

Have sanitary wastewaters been excluded from your sampling program?  
\_\_\_\_\_ No; \_\_\_\_\_ Yes, 1-50%; \_\_\_\_\_ Yes, 51-100%

Influent Water Supply for this Facility:  
\_\_\_\_\_ Municipal Well \_\_\_\_\_ Private Well \_\_\_\_\_ Surface Waters

Describe your sampling program for completing this report.

Effluent Volume: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Effluent Concentration:

Date Sample: \_\_\_\_\_  
\_\_\_\_\_

Type Sample: \_\_\_\_\_  
\_\_\_\_\_

Sampled By: \_\_\_\_\_  
\_\_\_\_\_

Analyzed By: \_\_\_\_\_  
\_\_\_\_\_