

WATER SOFTENING APPLIANCE REGULATION ORDINANCE

(Ord. No. 2011-003)

Brine discharging water softening appliance use regulation ordinance.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as Grattan Township's Water Softening Appliance Regulation Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to protect the health, safety and welfare of the citizens of Grattan Township and its waterways through the regulation of the discharge of sodium products into the Grattan Township Sanitary Sewer System (GTSSS) and the Grattan Township Wastewater Treatment Plant (WWTP); to impose regulations regarding to compliance with requirements of the Michigan Department of Environmental Quality, Waste Management Division and other State of Michigan regulatory agencies; to reduce the expenditure of public funds and mitigate rate increases for users of the system; to regulate the use of self-generating water softeners and appliances using sodium based products in as much as such systems represent the most significant controllable source of sodium ultimately entering into the GTSSS and WWTP, to regulate residential and nonresidential discharges into the GTSSS and WWTP resulting from cooking, toilets, sinks, faucets, showers and other uses and to otherwise specify conditions under which such uses including existing and future brine discharging water softening appliances and systems or other alternative non-brine discharging water systems; to otherwise avoid the excessive costs associated with the advance treatment for sodium removal from the WWTP as a result of regulations established by the Waste Management Division of the Michigan Department of Environmental Quality.

Section 3. Definitions and Abbreviations.

The following definitions shall apply to the terms used in this Ordinance:

“**Authorized Officer**” means the Township Supervisor, the Township Clerk, the Township Treasurer, the Township Operation and Maintenance Manager or any person designated by the Township Board resolution.

“**Brine**” means a heavily concentrated solution containing sodium.

“**Commercial User**” means any user of the public sewer other than a residential user or a person lawfully using a building or structure as a residence.

“**Community Sewer System**” means the network of facilities owned and operated by the Township that convey wastewater from within the Township's service area to the wastewater treatment plant.

“MDEQ” or “DEQ” means the Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.

“GTSSS” means that Grattan Township Sanitary Sewer System; may also be referred to as the community sewer system.

“**Nonresidential**” means any structure which is not included in the definition of a residence as provided in this Ordinance.

“**Nonresidential brine discharging water softening appliance**” means a water softening device located within or adjacent to a nonresidential structure located in the Township which discharges into the community sewer system owned and operated by the Township, whereby the capacity of the appliance to remove hardness from water is renewed by the on-site application of a sodium containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.

“**Person**” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

“**Residence**” means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitations, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.

“**Residential brine discharging water softener and/or appliance**” means residential water softening or conditioning appliances that discharge brine into the GTSSS, including residential self-regenerating water softeners more commonly known as “automatic” water softeners. Residential self-regenerating water softeners include water softening or conditioning devices that renew that capability to remove hardness from water by the on-site application of a sodium based solution to the active softening or conditioning material contained therein, followed by the subsequent rinsing of the active softening or conditioning material.

“**State**” means State of Michigan.

“**Structure**” means a building used or available for use for household, commercial, industrial, or other purposes that discharges into the GTSSS.

“**Township**” means the Township of Grattan, located in Kent County, Michigan, and/or its duly authorized agent or representative. The Township owns and operates the sanitary sewer system that conveys wastewater to the Grattan Township Wastewater Treatment Plants.

“**Operation and Maintenance Manager or O&M Manager**” means the person designated by the applicable local government to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this Ordinance, or his/her duly authorized representative.

“**User Class**” means the kind of user connected to the GTSSS and WWTP including but not limited to residential, industrial, commercial, institutional and governmental.

a. **Residential User** shall mean a user of the GTSSS and WWTP whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multifamily dwellings.

b. **Industrial User** means a user of the GTSSS or the WWTP which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, and distinct from their employee’s domestic wastewaters or wastewaters from sanitary conveniences.

c. **Commercial User** shall mean an establishment involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastewaters from sanitary conveniences and which is not a residential user or an industrial user.

d. **Institutional User** shall mean any establishment involved in a social, charitable, religious, or educational function that based on a determination by the Township, discharges primarily segregated domestic wastes or wastewaters from sanitary conveniences.

e. **Governmental User** shall mean any federal, state or local government user of the wastewater treatment works.

Section 4. Regulations.

All users are prohibited from using a brine discharging system utilizing sodium based products or generating discharges containing any sodium levels.

New water softening devices installed for all users or structures shall be of a type and style as selected by the user at their expense, provided however that any such appliances or devices must comply with the terms and conditions of this Ordinance. Use of non-brine discharging water softening devices is encouraged by the Township.

Section 5. Installation of New Water Softening Appliances.

(1) **Permit Required.** No person located within the Township sanitary sewer service district shall install a water softening appliance and/or device to the GTSSS or WWTP unless the proposed installation has first been approved by the Township or its designated representative through the plumbing permit application process, and all applicable fees have been paid. A complete application must be made, the applicable fees paid, and approval obtained from the Township at least 72 hours before the time the installation is to be made.

(2) **Installation Standards.** All water softening appliances and/or devices shall be installed in accordance with the provisions of this Ordinance as well as any and all other provisions imposed by state, county or other governmental agencies.

(3) **Installation and Maintenance Costs.** The owner of any building or premises, or his authorized representative, shall be responsible, at their own cost, for the installation, connection and maintenance of any water softening appliance and/or device up to and including its connection with the GTSSS.

Section 6. Water Softening Appliance Backwash.

No backwash of any nature, or at any time, shall be introduced into the GTSSS or the WWTP. The property owner, or an approved contractor hired by the owner, must disconnect all backwash discharge lines, including but not limited to water softeners, air conditioning units, water processing or conditioning equipment, storm drains, etc., from the GTSSS. The following are some (not all) methods of disposing of water softener discharge backwash:

- (a) Run the discharge line to the outside and let the water run onto the ground.
- (b) Install a below-ground infiltration basin (drywell): Bury a container in the ground, fill it with stone or sand, and run the discharge line to the container. Drill holes in the container to allow the water to seep into the surrounding soil. A sump pump tub, which ranges in size from 15 to 24 inches in diameter to two to four feet in depth, is an example of a container that could be used.
- (c) Convert an existing septic tank: Pump out and clean your existing septic tank, break holes in the bottom of the tank and fill the tank with stone. Disconnect and plug the outlet pipe to the tile field to prevent groundwater from flowing back into the tank.

Section 7. Medical Exemption.

The Township Sewer Administrator shall have the authority to allow medical exemptions from compliance with the terms of this Ordinance and may permit individual residential brine discharging water softeners utilizing sodium products provided the medical need for soft water is verified in writing by a physician.

The Township Sewer Administrator, or other person designated by the Township Board, shall have the authority to rescind such medical exemptions if the Township is found to be in violation of state sodium and chloride discharge limits and in the opinion of the Sewer Administrator it is essential that the medical exemption be terminated. Such termination shall become effective 60 days after written notice from the Township to the subject resident. All decisions by the Sewer Administrator regarding this matter may be appealed to the Grattan Township Board for reconsideration. Any recommendations made by the Township Board shall be final.

Section 8. Administrative Enforcement.

The Grattan Township Sewer Administrator, or any other person designated by the Township Board, shall administer, implement and enforce the provision of this Ordinance. Enforcement personnel may enforce this Ordinance by (1) performing public outreach to inform residential and nonresidential users of the Grattan Township Sanitary Sewer System (GTSSS) of the terms of this Ordinance and to encourage voluntary compliance, (2) withholding administrative enforcement actions until 60 days after the effective date of the ordinance have passed to allow all affected

property owners adequate time to convert to potassium chloride water softener salt or to remove their noncompliant self-regenerating water softeners, (3) monitoring flows within the GTSSS to determine the locations of residential and nonresidential self-regenerating water softeners, and/or (4) conducting inspections upon reasonable notice of any residential or nonresidential user that discharges to the sanitary sewer system, (5) sampling of grinder pumps to determine the amount of sodium and/or chloride entering the sewer system from a specific user.

Section 9. Sodium Levels.

The sodium level for any discharges into the GTSSS or WWTP shall not exceed the state mandated level of 300mg/l as presently determined by the state.

Section 10. Violation.

The Sewer Administrator or any other person designated by the Township Board may issue a Notice of Violation to any person who fails to comply with any conditions of this Ordinance. A Notice of Violation shall allow a period of 30 days to correct the violation and/or to remove and dispose of the non-compliant self-regenerating water softener. Any person violating this Ordinance after issuance of a Notice of Violation and the subsequent 30-day period shall pay an administrative fine to the District Court in an amount of \$75 per REU quarterly operation and maintenance (O & M) billing cycle, and each subsequent O & M billing period until two sampling tests, conducted 15 days apart, show a sodium level below the state mandated level as may be amended from time to time as proved in Section 9 above. Fines for property owners found in violation exceeding two quarterly O & M billing cycles shall be increased to \$150 per REU for each quarterly billing period thereafter until such time as the violation has ceased.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The Township Board, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

Section 11. Severability.

The various parts, paragraphs, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Section 12. Adoption and Effective Date.

This Ordinance is hereby declared to have been adopted by the Grattan Township Board at a meeting thereof duly called and held on the 9th day of January 2012, and ordered to be given effect 30 days after its first publication as mandated by statute.