

## LIVINGSTON COUNTY

### SEPTAGE WASTE DISPOSAL ORDINANCE

An Ordinance adopted pursuant to 1994 Public Act No. 451, §11715, to require that all septage waste collected in Livingston County by a licensed septage waste hauler be disposed of in a public septage waste receiving facility, and to prohibit the deposit of any septage waste on land or water within Livingston County.

WHEREAS, State law requires that a person licensed in the business of septage waste servicing shall deposit all septage waste in a public septage waste receiving 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 generated; and

WHEREAS, State law allows a local governmental unit such as Livingston County to require that all septage waste collected within its jurisdiction to be disposed of in a public septage waste receiving facility regardless of the distance from the receiving facility, and to prohibit the application of septage waste on land or water within that governmental unit; and

WHEREAS, Livingston County prefers to have all septage waste generated in the County deposited at a public septage waste receiving facility, regardless of the distance from the receiving facility, and to prohibit the application of septage waste on land or water within the County;

NOW, THEREFORE, THE COUNTY OF LIVINGSTON ORDAINS:

#### Section 1. Disposal of Septage Waste in Public Waste Receiving Facility.

All septage waste generated in Livingston County and/or collected by a licensed septage waste servicer shall be disposed of in a public septage waste receiving facility, regardless of the distance between the location of the public septage waste receiving facility and the location where the septage waste is generated and/or collected. Nothing in this Section precludes the lawful disposal of septage waste outside the State of Michigan.

#### Section 2. Prohibition of Deposit of Septage Waste on Land or Water.

No septage waste shall be deposited on any land in Livingston County or in or upon any lake, pond, stream, river, or other body of water in Livingston County.

#### Section 3. Definitions.

As used in this Ordinance:

(a) "Septage waste" means the fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which 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, as defined by State law, or any combination of these.

(b) "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.

(c) "Servicing" means cleaning, removing, transporting, or disposing of septage waste.

(d) "Public septage waste receiving facility" means a structure that is designed to receive septage waste for treatment at a wastewater treatment plant to which the structure is directly connected, and that is available for that purpose, which facility is owned and operated by a county, township, municipality, or other regional authority, and approved by the Michigan Department of Environmental Quality for treating septage waste.

#### Section 4. Violations and Penalties.

(a) Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. If the violation is of a continuing nature, each day the violation occurs is a separate offense.

(b) The penalties for violation of this Ordinance shall be in addition to any penalties, fines, forfeitures, injunctions and/or license sanctions that may be imposed by the State of Michigan and/or the Michigan Department of Environmental Quality for any violation of State law or licensing requirements. Nothing in this Ordinance shall be construed to relieve any person from any State licensing requirements for the servicing of septage waste.

#### Section 5. Severability and Repealer.

(a) 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.

(b) All County Ordinances and/or regulations in conflict with or inconsistent with this Ordinance are hereby repealed.

#### Section 6. Effective date.

This Ordinance shall take effect thirty (30) days following publication of this ordinance.