

Charter Township of Orion

Ordinance No. 131

Wastewater Discharge

Adopted November 19, 2001

AMENDED

January 3, 2006 (131-1)

December 17, 2018 (131-2)

AN ORDINANCE TO ADOPT THE CODE OF FEDERAL REGULATIONS REGARDING THE DISCHARGE OF WASTEWATER INTO WASTEWATER COLLECTION AND TREATMENT SYSTEMS WHICH ARE BINDING UPON THE TOWNSHIP, TO STREAMLINE NECESSARY PROCEDURES FOR COMPLIANCE WITH THE AFOREMENTIONED FEDERAL REGULATIONS AND FOR IMPROVEMENT OF THE EFFICIENCY, OPERATION AND IMPLEMENTATION OF THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT'S INDUSTRIAL PRETREATMENT PROGRAM, TO ESTABLISH NEW REGULATORY REQUIREMENTS FOR CENTRALIZED WASTE TREATMENT FACILITY DISCHARGERS AND FOR GROUNDWATER DISCHARGERS, TO PLACE NEW RESPONSIBILITY UPON INDUSTRIAL USERS FOR CONDUCTING SELF-MONITORING AND WASTE MINIMIZATION ACTIVITIES, AND TO ADOPT THE APPEAL AND RECONSIDERATION PROCESS AVAILABLE TO INDUSTRIAL USERS FOR REDRESS OF ADMINISTRATIVE ACTIONS BY THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT AND THE TOWNSHIP OF ORION.

Section 1 - Purpose

- (a) The purpose of this Ordinance is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the Township and enabling the Township to comply with all applicable state and Federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. 1251, *et seq.*, and the General Pretreatment Regulations, being 40 C.F.R. part 403.
- (b) The objectives of this Ordinance are:
 - (1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system, or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the People or of employees of the City of Detroit Water and Sewerage department;
 - (2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and
 - (4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.
- (c) This Ordinance provides for the regulation of contributors to the Detroit and Township wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

Section 2 - Authority

By virtue of the obligations and authority placed upon the Township by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being (33 U.S.C. 1251, *et seq.*; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being M.C.L. 323.1, *et seq.*; M.S.A. 3.521, *et seq.*; the 1997 City Charter; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in U.S. EPA v. City of Detroit, et al., Federal District Court for the Eastern District of Michigan Case No.77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this division shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

Section 3 - Definitions

- (a) For purposes of this division and unless the context specifically indicates otherwise, the following terms and phrases, shall have the meanings ascribed to them by this section:

- (1) **Act** or **The Act** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. 1251, *et seq.*
- (2) **As-Built Plans** means engineering drawings prepared after installations of wastewater facilities which shall show a statement by a registered engineer or surveyor certifying this to be as-built plans and shall include, but not be limited to, length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, sewer material and joints used, and mechanical, electrical, and structural details for pump stations, wastewater treatment facilities, and other appurtenances.
- (3) **Authorized Representative of Industrial User** means:
 - (i) Responsible corporate officer, where the industrial user submitting the reports required by this division is a corporation, who is either:
 - (a) the president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (b) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding Twenty-Five Million Dollars (\$25,000,000) in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or
 - (ii) A general partner or proprietor where the industrial user submitting the reports required by this division is a partnership or sole proprietorship respectively.
- (4) **Available Cyanide** means the quantity of cyanide that consists of cyanide ion (CN⁻); hydrogen cyanide in water (HCN^{aq}); and the cyano-complexes of zinc, copper, cadmium, mercury and silver, determined by EPA method OIA-1677, or other method designated as a Standard Method or approved under 40 CFR 136.
- (5) **Best Management Practices (BMP)** means programs, practices, procedures or other directed efforts, initiated and implemented by a User, which can or does lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control, and may include technical and economic considerations.
- (6) **Biochemical Oxygen Demand (BOD)** means the quality of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.
- (7) **Board** means the Board of Water Commissioners of the City of Detroit.
- (8) **Building Drain** means that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building's sewer (house sewer). The latter begins five (5) feet outside the inner face of the building wall.
- (9) **Bypass** means the intentional diversion of a waste stream from any portion of an industrial user's treatment facility. [See 40 C.F.R. 403.17.]
- (10) **Centralized Waste Treatment (CWT) Facility** means any facility that treats any hazardous or non-hazardous industrial waste received from off-site by tanker truck, trailer / roll-off bins, drums, barges, or any other forms of shipment including:
 - (i) a facility that treats industrial waste received exclusively from off-site, and
 - (ii) a facility that treats industrial waste generated on-site, as well as industrial waste received from off-site.

- (11) **Compatible Industrial Wastewater** means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.
- (12) **Compatible Pollutant** means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.
- (13) **Composite Sample** means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four (4) aliquot per twenty-four (24) hours shall be used where the sample is manually collected. [See 40 C.F.R. 403, Appendix E.]
- (14) **Confidential Information** means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.
- (15) **Consent Judgment** means the judgment issued by Federal District Court on September 14, 1977, *U.S. EPA v City of Detroit, et al.*, C.A. No. 77-1100, as amended.
- (16) **Control Authority** means the Detroit Water and Sewerage Department which has been officially designated as such by the State of Michigan under the provisions of 40 C.F.R. 403.12. [See 40 C.F.R. 403.12(a).]
- (17) **Cooling Water** means the non-contact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.
- (18) **County** means the County of Oakland, State of Michigan or the Oakland County Drain Commissioner.
- (19) **County Agency** means the Oakland County Drain Commissioner. References to the Oakland County Department of Public Works shall also mean Oakland County Drain Commissioner.
- (20) **Days** mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this division.
- (21) **Debt Service Charge** means charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge is separate and distinct and may be in addition to the user charge specified below.
- (22) **Department** means the City of Detroit Water and Sewerage Department, and authorized employees of the Department.
- (23) **Direct Discharge** means the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.
- (24) **Director** means the Director of the Detroit Department of Water and Sewerage, or the Director's designee.
- (25) **Discharger** means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.
- (26) **Domestic Sewage** means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.
- (27) **Environmental Protection Agency** or **Administrator** or **EPA Administrator** means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.
- (28) **Facility** means a location which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.
- (29) **Fats, Oils or Grease (FOG)** means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that is extractable by solvent in accordance with standard methods.
- (30) **Flow Proportional Sample** means a composite sample taken with regard to the flow rate of the waste stream.

- (31) **Footing Drain** means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.
- (32) **Grab Sample** means an individual sample collected over a period of time not exceeding fifteen (15) minutes, which reasonably reflects the characteristics of the stream at the time of sampling.
- (33) **Groundwater** means subsurface water occupying the saturation zone, from which wells and springs are fed.
- (34) **Holding Tank Waste** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (35) **Indirect Discharge** or **Discharge** means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. 1317(b), (c) or (d).
- (36) **Industrial User** means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.
- (37) **Industrial Waste** means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.
- (38) **Infiltration** means any waters entering the system from the ground, through such means, as but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.
- (39) **Infiltration / Inflow** means the total quantity of water from both infiltration and inflow.
- (40) **Inflow** means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.
- (41) **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (ii) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (42) **Local** means a prefix denoting jurisdiction by the Charter Township of Orion.
- (43) **"May"** means permissive.
- (44) **Municipality** means the Charter Township of Orion.
- (45) **National Categorical Pretreatment Standard** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. 1317 (b) and (c) which applies to a specific class or category of industrial users.
- (46) **National Pollutant Discharge Elimination System (NPDES) Permit** means a permit issued pursuant to 33 U.S.C. 1342.
- (47) **Natural Outlet** means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(48) **New Source** means:

- (i) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 U.S.C. 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that:
 - (a) the building, structure, facility or installation is constructed at a site where no other source is located; or
 - (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or
- (ii) Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Paragraphs (i)(b) or (i)(c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or
- (iii) Construction of a new source has commenced where the owner or operator has:
 - (a) begun, or caused to begin, as part of a continuous on site construction program:
 - (1) any placement, assembly, or installation of facilities or equipment; or
 - (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(49) **Operation-Maintenance (O&M)** means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and Federal regulations, and includes the cost of replacement.

(50) **Owner** means the owners of record of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

(51) **Pass Through** means discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

(52) **Person** means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

(53) **pH** means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

(54) **Pollutant** means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

- (55) **Pollution** means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.
- (56) **Pretreatment** means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by Federal, State or local law, rules and regulations.
- (57) **Pretreatment Requirements** means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user. [See 40 C.F.R. 403.3(r).].
- (58) **Pretreatment Standards** means all National Categorical Pretreatment Standards, the general prohibitions specified in 40 C.F.R. 403.5(a), the specific prohibitions delineated in 40 C.F.R. 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. 403.5(c), including the discharge prohibitions specified in Section 5B.
- (59) **Public Sewer** means a sewer of any type controlled by a governmental entity.
- (60) **Private** means a prefix denoting jurisdiction by a non-governmental entity.
- (61) **Public** means a prefix denoting jurisdiction by any governmental subdivision or agency.
- (62) **Publicly Owned Treatment Works (POTW)** means a treatment works as defined by 33 U.S.C. 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. 1362, including:
- (i) Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;
 - (ii) Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or
 - (iii) The municipality, as defined in 33 U.S.C. 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- (63) **POTW Treatment Plant** means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.
- (64) **Quantification Level** means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.
- (65) **Replacement** means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state and Federal regulations.
- (66) **Representative Sample** means any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the waste stream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.
- (67) **Sanitary Wastewater** means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.
- (68) **Service Area** means any area whose wastewater is received by the Township or the county for the transmission for treatment by the City of Detroit DWSD.
- (69) **Sewer** means a pipe or conduit that carries wastewater or drainage water. See the following definitions modifying sewer:

- (i) **Building Sewer** - In plumbing, the extension from the building drain to the public sewer or other place of disposal. Also called house connection.
 - (ii) **Combined Sewer** - A sewer intending to receive both wastewater and stormwater, surface or drainage water.
 - (iii) **Common Sewer** - A sewer in which all owners of abutting properties have equal rights.
 - (iv) **County Sewer** - A public sewer controlled by the county agency.
 - (v) **Intercepting Sewer** - A sewer that received dry-weather flow from a number of transverse sewers or outlets in frequently additional predetermined quantities of stormwater (if from a combined system) and conducts such waters to a point for treatment or disposal).
 - (vi) **Lateral Sewer** - That portion of the sewer system located under the street, within the street right-of-way, or easement and which collects sewage from a particular property for transfer to the trunk line or interceptor. A sewer which is designed to receive a building sewer.
 - (vii) **Municipal Sewer** - A public sewer exclusive of a county sewer or City of Detroit sewer.
 - (viii) **Public Sewer** - A common sewer controlled by a governmental agency or public utility.
 - (ix) **Sanitary Sewer** - A sewer that carries liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwater, stormwater, surface water and drainage water and are not admitted intentionally.
 - (x) **Storm Sewer** - A sewer that carries stormwater and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastewater. Also called a "storm drain."
 - (xi) **Trunk Sewer or Trunk Line** - A sewer which connects the lateral sewer to the intercepting sewer and to which building sewers may be connected.
- (70) **Sewer Service Charge** means the sum of the applicable user charge, surcharges and debt service charges.
- (71) **"Shall"** means mandatory.
- (72) **Significant Industrial Users** means any user of the POTW who:
- (i) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or
 - (ii) Has discharges subject to the national categorical pretreatment standards; or
 - (iii) Requires pretreatment to comply with the specific pollutant limitations of this division; or
 - (iv) Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. 1317, or other applicable Federal and State laws or regulations, that are in concentrations and volumes which are subject to regulation under this division as determined by the Department; or
 - (v) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or
 - (vi) Is found by the City of Detroit or Township to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.
- (73) **Significant Noncompliance** means any violation which meets one or more of the following criteria:

- (i) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;
 - (ii) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);
 - (iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;
 - (iv) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;
 - (v) Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety (90) days after the scheduled date;
 - (vi) Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days after the due date;
 - (vii) Failure to accurately report noncompliance; or
 - (viii) Any other violation or group of violations which the Department determines will adversely affect the operation or implementation of the local pretreatment program.
- (74) **Slug** means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.
- (75) **Standard Industrial Classification (SIC)** means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.
- (76) **Standard Methods** mean methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants." Where these two (2) references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.
- (77) **State** means the State of Michigan.
- (78) **Storm Water** means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (79) **Superintendent** means the director of the Township Department of Public Works or their duly authorized representative.
- (80) **Supervisor** means the Township Supervisor of the Charter Township of Orion or their authorized representative.
- (81) **Surface Water** means:
- (i) All water on the surface as distinguished from groundwater or subterranean water.
 - (ii) Water appearing on the surface in a diffused state, with no permanent source of supply or regular course for any considerable time, as distinguished from water appearing in watercourses, lakes, or ponds.

- (82) **Suspended Solids (Total)** mean the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.
- (83) **Total Equivalent Master Metered Water Consumption** means the equivalent to the total amount of potable water used by a municipality as recorded by a master water meter for sewered premises, and shall include, but not be limited to, fire protection water, gardening and lawn water.
- (84) **Total PCB** means the sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.
- (85) **Total Phenolic Compounds** means the sum of the individual analytical results for each of the phenolic compounds of 2-chlorophenol, 4-chlorophenol, 4-chloro-3-methylphenol, 2,4-dichlorophenol, 2,4-dinitrophenol, 4-methylphenol, 4-nitrophenol, and phenol during any single sampling event expressed in mg/l.
- (86) **Township** means the Charter Township of Orion.
- (87) **Toxic Pollutant** means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other Federal or State laws, rules or regulations.
- (88) **Trade Secret** means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.
- (89) **Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this division or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (90) **User** means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.
- (91) **User Charge** means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to Section 204(b) of P.L. 92-500 and includes the cost of replacement.
- (92) **Wastewater** or **Waste Stream** means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, storm water, and cooling water.
- (93) **Wastewater Discharge Permits** means permits issued by the Department in accordance with Section 5D of this Code.
- (94) **Waters of the State** mean groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

Section 4 - Abbreviations

For purposes of this article, the following acronyms shall have the meanings designated by this section:

- (1) **BMR** - Baseline Monitoring Report
- (2) **BOD** - Biochemical Oxygen Demand

- (3) **C.F.R.** - Code of Federal Regulations
- (4) **DWSD** - Detroit Water and Sewerage Department
- (5) **EPA** - Environmental Protection Agency
- (6) **FOG** - Fats, Oil or Grease
- (7) **l** - liter
- (8) **MDEQ** - Michigan Department of Environmental Quality
- (9) **mg** - milligrams
- (10) **mg/l** - milligrams per liter
- (11) **NPDES** - National Pollutant Discharge Elimination System
- (12) **P** - Phosphorus
- (13) **POTW** - Publicly Owned Treatment Works
- (14) **RCRA** - Resource Conservation and Recovery Act, being 42 U.S.C. 6901 *et seq*
- (15) **SIC** - Standard Industrial Classification
- (16) **SWDA** - Solid Waste Disposal Act, being 42 U.S.C. 6901 *et seq.*
- (17) **TSS** - Total Suspended Solids
- (18) **U.S.C.** - United States Code

Section 5 - General Wastewater Disposal Regulations

A. Delegation of Authority.

The City of Detroit, through the Detroit Water and Sewerage Department, as the State approved Control Authority, is authorized to administer and enforce the provisions of Section 5 of this Ordinance on behalf of the Township. The Township has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with these Sections, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of Control Authority pursuant to State and Federal law.

B. Discharge Prohibitions.

- (a) **General pollutant prohibitions.** No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other Federal, State, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:
 - (1) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 C.F.R. 261.21; or

- (2) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshlings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or
 - (3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or
 - (4) Any wastewater containing petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals; or
 - (5) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or
 - (6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with State criteria applicable to the sludge management method being used; or
 - (7) Any substance which will cause the POTW to violate either the Consent Judgment in U.S. EPA v. City of Detroit et al., Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit; or
 - (8) Any discharge having a color uncharacteristic of the wastewater being discharged; or
 - (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment plant to rise above 104°F (40°C); or
 - (10) Any pollutant discharge which constitutes a slug; or
 - (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable Federal or State regulations; or
 - (12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or
 - (13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half inch or greater which are sufficient to cause interference with the POTW.
- (b) **Specific pollutant prohibitions.** No user shall discharge wastewater containing in excess of the following limitations:
- (1) Compatible pollutants: See Appendix C.
 - (2) Non-compatible pollutants.

No user shall discharge wastewater containing in excess of:

Arsenic (As)	1.0 mg/l
Cadmium (Cd)	See Appendix C
Chromium (Cr)	25.0 mg/l

Copper (Cu)	2.5 mg/l
Cyanide (Available)	1.0 mg/l
Iron (Fe)	1,000.0 mg/l
Lead (Pb)	1.0 mg/l
Nickel (Ni)	5.0 mg/l
Silver (Ag)	1.0 mg/l
Zinc (Zn)	7.3 mg/l
Total Phenolic Compounds	1.0 mg/l or See Appendix B

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. part 136.

- a. The limitation for Total PCB is Non-detect - Total PCB shall not be discharged at detectable levels, based upon U.S. EPA Method 608, and the quantification level shall not exceed 0.2 μ g/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of Total PCB, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the Total PCB concentration is below the detection level, or submission of a BMP in accordance with 56-3-66.1(d).
- b. The limitation for Mercury (Hg) is Non-detect. Mercury (Hg) shall not be discharged at detectable levels, based upon U.S. EPA Method 245.1, and the quantification level shall not exceed 0.2 μ g/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of Mercury, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the mercury concentration is below the detection level, or submission of a BMP in accordance with 56-3-66.1 (d).

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 CFR Part 136.

- (3) Compliance Period - within 30 days of the effective date of this Ordinance, the Department shall notify all existing industrial users operating under an effective wastewater discharge permit of the requirement to submit a compliance report within 180 days after of the effective date of this Ordinance. The Compliance Report shall demonstrate the user's compliance or non-compliance with these limitations, and in the event of non-compliance, include the submission of a plan and schedule for achieving compliance with the stated limitation. In no event shall a compliance schedule exceed eighteen (18) months from the effective date of this Ordinance.

An Industrial User who does not demonstrate compliance may petition the Department for a second extension as part of an Administrative Consent Order. The Department, shall include appropriate monitoring, reporting, and penalties into an Administrative Consent Order that relates to a second extension, and shall enter into such an agreement only upon a good-faith showing by the Industrial User of the actions taken to achieve compliance with this provision.

- (c) **National categorical pretreatment standards.** All users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, however, that where a more stringent standard or requirement is applicable pursuant to State law or regulation, or to this division, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the Department. The National Categorical Pretreatment Standards which have been promulgated as of the effective date of this section are delineated in Appendix A.

- (1) **Intake water adjustment.** Industrial users seeking adjustment of National Categorical Pretreatment Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. 403.15. Upon notification of approval by the Department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.
- (2) **Modification of national categorical pretreatment standards.** The Department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is

appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the Department, any industrial user desiring to obtain such credit shall make an application to the Department, consistent with the provisions of 40 C.F.R. 403.7 and of this division. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 C.F.R. 403.7, or as determined by the Department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.

- (3) **New sources.** Industrial users who meet the new sources criteria shall install, maintain in operating condition, and "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable pretreatment standards.
- (4) **Concentration and mass limits.** When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. 403.6(c)(3) and/or 40 C.F.R. 403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 U.S.C. 1317(d) and of this division. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (5) **Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report.** Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the Department a report containing the information listed in 40 C.F.R. 403.12(b)(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. 128.140(b), the industrial user will not be required to resubmit this information. At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the Department a report which contains the information listed in 40 C.F.R. 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. 403.12(b)(4) and (5).
- (d) **Dilution prohibited.** Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the Township, the City of Detroit or by the State of Michigan.
- (e) **Hauled in wastewater.** Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this division including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the department for unloading such waste in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the Board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in Section 5D of this Ordinance. The Department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this division.

- (f) **Centralized waste treatment.** It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the Department. Any authorization granted, or permit issued, by the Department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the Department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the Department to discharge wastewater is not required to obtain further authorization from the Department before discharging such wastewater.

An industrial user that provides centralized waste treatment services and files an application for the treatment and discharge of such types of wastewater to the POTW shall provide the following minimum information in support thereof:

- (1) The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to national categorical pretreatment standards as delineated in Appendix A, shall be so designated;
- (2) The identity of the toxic pollutants known or suspected to be present in the wastewater;
- (3) At least one (1) sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in Subsection (f)(1) of this section;
- (4) A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);
- (5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the State, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the Department; and
- (6) Other information requested by the Department including, but not limited to, information required by Section 5D(c)(1) through (18) of this Ordinance, or by rules adopted by the Board. The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in Section 5D of this Ordinance, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in Section 5D of this Ordinance regarding permits. In furtherance of its obligations as control authority, the Department may include in the permit a requirement to report at selected intervals the information mandated in Subsections (1) through (6) of this section.

All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Department.

- (g) **Groundwater discharges.** Unless authorization has been granted by the Department, the discharge of any groundwater into the POTW is prohibited.

The Department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within one hundred eighty (180) days after its enactment.

If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the Department, the Department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in Section 5D of this Ordinance, or in accordance with any rules adopted by the Board.

- (h) **Township right of revision.** The City of Detroit and the Township reserve the right to establish rules or regulations adopted by the Board, additional or more stringent limitations or requirements on discharges to the POTW. Ninety (90) days after adoption by the Board, industrial users shall comply with such rules and regulations.

(i) **Accidental discharges.**

- (1) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division, and all significant industrial users shall submit to the Department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within sixty (60) days of the effective date of this division. New significant industrial users shall submit such a plan prior to the time they commence discharging.

For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five percent (5%) or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five (55) gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW.

The industrial user shall promptly notify the Department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

- (2) At least once every two (2) years, the Department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty (30) days of notification by the Department.
- (j) **Notification requirements.** Unless a different notice is provided by this division or applicable law, within one (1) hour of becoming aware of a discharge into the POTW which exceeds or does not conform with Federal, State or Township laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with Subsection (1) of this section, the industrial user shall telephone the Department at its control center and notify the Department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five (5) calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.
- (k) **Notice to employees.** A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the Department in the event of an actual or excessive or prohibited discharge.
- (l) **Recovery of costs.** Any user discharging in violation of any of the provisions of this division, which produces a deposit or obstruction, or causes damage to or impairs the Department's POTW, or causes the Department to violate its NPDES permit, shall be liable to the Department for any expense, loss, damage, penalty or fine incurred by the Department because of said violation or discharge. Prior to assessing such costs, the Department shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the City's NPDES permit and the Department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this division. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this division, or this Code, or other statutes and regulations, or at law or in equity.
- (m) **Hazardous waste notification.** All industrial users, who discharge into the Township Collection System, shall notify the Department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. 403.12(p).

- (n) **Authorized representative.** The authorized representative, as defined in Section 3(a)(3) of this Ordinance, may designate a duly authorized representative of the individual designated in Section 3(a)(3)(i) or (ii) where:
 - (1) The authorization is made in writing by the individual defined in Section 3(a)(3)(i) or (ii);
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (3) The written authorization is submitted to the Department.
- (o) **Pollution prevention.** The Department shall encourage and support industrial users to develop and implement pollution prevention programs designed to eliminate or reduce pollutant contributions beyond the levels required by this division. The Department may require an industrial user to implement pollution prevention initiatives, or BMP, as part of an enforcement response, or as necessary to comply with its NPDES permit.

C. Fees.

- (a) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.
- (b) The Board shall adopt charges and fees which shall include, but not be limited to:
 - (1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Department's industrial waste control and pretreatment programs; and
 - (2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal; and
 - (3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
 - (4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

D. Wastewater Discharge Permits.

- (a) **Required.** It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of Section 5B of this Ordinance. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the Department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this division.
 - (1) All significant industrial users, which are in existence on the effective date of this division, shall apply for a wastewater discharge permit within thirty (30) days of the effective date of this division. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision. These applications are to include all information specified in Section 5D(c) of this Ordinance and, where applicable, any additional information which may be needed to satisfy the Federal baseline monitoring report requirements of 40 C.F.R. 403.12(b).
 - (2) All new significant users shall apply for a wastewater discharge permit at least ninety (90) days prior to commencement of discharge. The application must include all information specified in Section 5D(c) of this Ordinance and, where applicable, any additional information that may be needed to satisfy the Federal BMR requirements of 40 C.F.R. 403.12(b). Until a permit is issued and finalized by the Department, no discharge shall be made into the POTW.

- (3) Any user, who proposes to discharge any wastewater other than sanitary or noncontact cooling water into the POTW, shall request approval from the Department for the discharge(s) at least thirty (30) days prior to the commencement of the discharge.
- (b) **Permit application or reapplication.** The Department may require any user to complete a questionnaire and/or a permit application and to submit the same to the Department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty (30) days of being so notified, a user shall comply with the Department's request in the manner and form prescribed by the Department. Failure of the Department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this division.
- (1) A user, which becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 C.F.R. 403.12(b). The existing user shall provide a permit application which includes all the information specified in Section 5D(c) and (g) of this Ordinance.
- (2) A separate permit application shall be required for each separate facility.
- (3) Existing permittees shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of existing permits on a form prescribed by the Department.
- (c) **Application or re-application information.** In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Corporate or individual name, any assumed name(s), Federal employer identification number, address, and location of the discharging facility;
- (2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;
- (3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;
- (4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in Section 5B(a) and (b) of this Ordinance, those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced maximum and average concentrations during a one (1) year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process waste stream. Combined waste streams proposed to be regulated by the combined waste stream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.
- (5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pretreatment standards or requirements, shall be so designated. As pertains to Subsection (c)(4), of this section, identify which pollutants are associated with each process.
- (6) Restricted to only those pollutants referred to in Subsection (c)(4), of this section, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in Subsection (c)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;
- (7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week;
- (8) Denote:

- (i) the average and maximum twenty-four (24) hour wastewater flow rates including, if any, daily, monthly and seasonal variations;
 - (ii) each national categorical process waste stream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and
 - (iii) each combined waste stream;
- (9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process waste stream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined waste stream. This schematic shall be cross-referenced to the information furnished in Subsection (c)(8) of this section;
- (10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pretreatment standards or requirements only;
- (11) A statement regarding whether or not the requirements of this division and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;
- (12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of Section 5B(i) of this Ordinance;
- (13) Proposed or actual hours of operation of each pretreatment system for each production process;
- (14) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;
- (15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;
- (16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this division and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;
- (17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and
- (18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.
- (d) **Permit issuance.** Upon receipt of an application, the Department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:
- (1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;
 - (2) The industrial user does meet the definition of a significant industrial user but is found by the Department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is not required to have a wastewater discharge permit. The Department shall make such determination in accordance with the requirements of 40 C.F.R. 403.8(f)(6);

- (3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. 403.12 or by the Department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable;
- (4) The industrial user is required to have a wastewater discharge permit. The Department shall notify the industrial user of its determination and the basis of the determination.

The Department may withhold issuance of a permit to a significant user, which has not submitted an adequate or timely report, or permit application, to the Department as the control authority in accordance with the reporting requirements of 40 C.F.R. 403.12, or whose discharge is in violation of this division. If the Department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has thirty (30) days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in Section 5J of this Ordinance, twenty (20) days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the Department of any contested terms or conditions, a permit shall be issued as final. Only one (1) facility location shall be included in each permit.

- (e) **Permit conditions.** Wastewater discharge permits shall contain all requirements of 40 C.F.R. 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this division, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or Township without repetition therein. In addition, permits may contain the following:
 - (1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in Section 7B of this Ordinance, or the applicable national categorical pretreatment standards;
 - (2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;
 - (4) Restrictions on which of the user's discharge waste streams are to be allowed to be discharged at each point of connection to the POTW;
 - (5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;
 - (6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;
 - (7) Restrictions based on the information furnished in the application;
 - (8) Additional reporting requirements:
 - a. All permittees shall submit a report on the form prescribed by the Department, or on an alternative form approved by the Department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this division. Unless required more frequently, the reports shall be submitted at six (6) month intervals on a schedule to be established by the Department. Analytical data generated by the Department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.
 - b. Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of Section 5D(e)(8)(d) and (e) of this Ordinance. The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the Department in accordance with Section 5D(e)(9) and (11) of this Ordinance.
 - c. Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by Federal regulations and by the Department. A compliance report shall be

submitted to the Department no later than ninety (90) days following the final compliance date for a standard, or in the case of a new source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. 403.12(d). A report on continued compliance shall be submitted at six (6) month intervals thereafter on the schedule established by the Department and incorporated into the industrial users discharge permit and in accordance with Section 5D(e)(8)(d) and (e) of this Ordinance. The reports shall be either on a form prescribed by the Department or on an alternate form approved by the Department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or which there is a specific limitation in the permit, or which may be identified by the Department in accordance with Section 5D(e)(9) and (11) of this Ordinance. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined waste stream formula may be used for reporting purposes after the initial information has been furnished to the Department, provided there have been no changes to the elements composing the combined waste stream.

- d. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. Part 403, or by the Department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

If an industrial user monitors any pollutant more frequently than required by the Department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

- e. This report, and those required under Sections 5B(c)(5) and 5D(e)(8)(b) and (c) of this Ordinance, shall include the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations." Said certification shall be signed by the facility's authorized representative, as defined in Section 3(a)(3) of this Ordinance. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the Department prior to, or together with, any reports to be signed by an authorized representative.
 - f. If sampling performed by a permittee indicates a violation, the user shall notify the Department within twenty-four (24) hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Department within thirty (30) days after said user becomes, or should have become, aware of the violation.
- (9) In the event the Director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Department has the authority to develop and enforce effluent limits applicable to the user. To the extent the Department seeks to impose restrictions in a permit which are more restrictive than established in this division, the Department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;
 - (10) Requirement for pollution prevention initiatives; and

(11) Other requirements reasonably necessary to ensure compliance with this division.

(f) **Permit duration.** Permits shall be issued for a specified time period. Except as deemed necessary by the Department, or as otherwise provided for under this division, permits shall be issued for a specified period of not more than five (5) years nor less than one (1) year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the Department, shall be automatically extended until a permit is issued as final.

(g) **Permit modification.** The terms and conditions of the permit may be subject to modification by the Department during the term of the permit as limitations or pretreatment standards and requirements identified in Section 5B of this Ordinance are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

(1) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within thirty (30) calendar days of the change;

(2) Change(s) in the Department's NPDES permit;

(3) Embodiment of the provisions of a legal settlement or of a court order;

(4) Any changes necessary to fulfill the Department's role as control authority;

(5) An industrial user's noncompliance with portions of an existing permit;

(6) A change of conditions within the POTW;

(7) A finding of interference or pass through attributable to the industrial user;

(8) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 C.F.R. Part 403 and those delineated in Appendix A of this division. Permittees shall request an application form and apply to the Department for a modified permit within ninety (90) days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this subsection shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the Department may initiate this action;

(9) Changes in the monitoring location. (See Section 5E of this Ordinance);

(10) Typographical errors or omissions in permits;

(11) The Department may modify the permit on its own initiative based on its findings or reasonable belief of the above;
or

(12) The user may request a modification of the permit.

When initiated by the Department, the industrial user shall be informed of any proposed change in its permit. The Department will issue a draft permit and an industrial user has thirty (30) days to file a response to the draft modified permit. Thereafter, the Department will issue a final permit and, unless appealed in accordance with the procedures contained in Section 5J of this Ordinance, the permit will become effective twenty (20) days after issuance.

(h) **Permit custody and transfer.** Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the Department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Department of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Department prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the Department may revoke a permit. If a change takes place, the

Department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Department allows to be retained.

- (i) **Permit notification requirements.** All industrial users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty (30) calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this division.

E. Monitoring Facilities.

- (a) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Department and the industrial user, and to enable the Department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this division. In the event the Department determines that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the Department, said facility shall be provided within ninety (90) days of receipt of notification by the Department. The industrial user shall provide the Department with:
 - (1) A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;
 - (2) A flow schematic showing:
 - (i) which connections receive each national categorical process waste stream,
 - (ii) which connections receive storm water, sanitary water or cooling water, and
 - (iii) which lines handle each combined waste stream. This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the Department may install such structure or device and the significant user shall reimburse the Department for any costs incurred therein.
- (b) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the Department. When such a location would be impractical or cause undue hardship to the industrial user, the Department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the Department's requirements and all applicable local construction standards and specifications. (See Section 5D(g))

F. Inspection, Sampling and Record-Keeping.

- (a) For purposes of administering and enforcing this division, any other applicable provisions of this code or applicable State or Federal laws and regulations, the Department may inspect the establishment, facility or other premises of the industrial user. The Department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.
- (b) Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the Department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The Department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

- (c) While performing work on private property, employees or authorized representatives of the Department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the Department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user. Duly authorized Department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities subject to this division. Which shall be maintained by the Department as confidential in accordance with Section 5G of this Ordinance.
- (d) Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the Department will be permitted to enter for the purposes of performing their specific responsibilities.
- (e) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The Department may require such samples to be split with the Department for the Department's independent analysis.
- (f) Industrial users shall maintain records of all information from monitoring activities required by this division, or by 40 C.F.R. 403.12(n). Industrial users shall maintain the records for no less than three (3) years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's Industrial Waste Program, or when requested by the department, by the State, or by the EPA.
- (g) Upon the request of the Department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the Department at all reasonable times, and allow the Department to copy such records.
- (h) In the event the Department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the Department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Department shall be controlling unless proven invalid.
- (i) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the Department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two (2) or more times greater than the numeric limitations as listed in Section 5B(b) of this Ordinance, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the Department within fourteen (14) days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two (2) times the limitation in the future.

G. Confidential Information.

- (a) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When submitted to the Department, all information claimed to be confidential must be clearly marked "confidential". When requested by the person furnishing the report, the portions of a report determined by the Department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this division, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however that information shall be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the Department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own

confidentiality procedures. The Department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The Department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

The Department shall determine whether the information requested to be treated as confidential, in fact, satisfies the requirements of confidential information as defined herein. The decision of the Department shall be made in writing.

Wastewater constituents and characteristics will not be recognized as confidential information.

- (b) Except as otherwise determined by the Department or provided for by applicable law, all information with respect to an industrial user on file with the City shall be made available upon request by such user or the user's authorized representative during normal business hours.

H. Statutes, Laws and Regulations.

The National Categorical Pretreatment Standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any reference in this division to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the Township shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this division.

I. Enforcement.

- (a) **Violations.** It shall be a violation of this division for any user to:

- (1) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;
- (2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in Section 5D(g)(1) of this Ordinance;
- (3) Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;
- (4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request reasonable access to the facility is promptly provided to the Department;
- (5) Restrict, interfere, tamper with, or render inaccurate any of the Department's monitoring devices including, but not limited to, samplers;
- (6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;
- (7) Fail to comply with any limitation, prohibition, or requirement of this division including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this division shall be deemed to be in compliance with the requirements of this division, and such permits shall remain in effect and be enforceable under this division until a superseding permit is effective. Industrial users shall comply with applicable national categorical pretreatment standards and requirements on the date specified in the Federal Regulations, regardless of compliance schedules.

- (b) **Upsets.** An upset shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment standards where the requirements of Subsection (1) of this section are met.

- (1) An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. An upset occurred and the industrial user can identify the cause(s) of the upset;

- b. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - c. The industrial user has submitted the following information to the Department, orally or in writing, within twenty-four (24) hours of becoming aware of the upset and where this information is provided orally, a written submission must be provided within five (5) days:
 - (i) A description of the discharge and cause of noncompliance;
 - (ii) The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (2) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;
- (3) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this division upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (c) **Bypass.** Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of Subsections (1) and (2) of this section.
- (1) Notice of anticipated bypass. Industrial users anticipating a bypass shall submit notice to the Department at least ten (10) days in advance.
- (2) Notice of unanticipated bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the industrial user becomes or should have become aware of the bypass. A written submission shall be provided within five (5) days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
- (3) Prohibition of bypass and enforcement. Bypass is prohibited, and the Department may take enforcement action against a user for a bypass, unless:
- a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - c. The industrial user properly notified the Department as described in Subsection (c)(2) of this section.
- (4) Bypass approval. Where it meets all conditions in Subsection (c)(3) of this section, the Department may approve an anticipated bypass.
- (d) Where one or more of the measurements taken for any pollutant defined in Section 56- 3-59.1 (B) during a six (6) month period exceed by any magnitude the daily maximum non-detect ordinance limit for the same parameter, the industrial user may develop and implement pollution prevention initiatives, or a BMP as part of its response. The Department may, as part of an administrative order, also require development of a BMP as part of an enforcement response. Upon approval of the Department, these pollution prevention initiatives, or BMP, shall be made an

enforceable part of the wastewater discharge permit.

Industrial users shall provide, at six (6) month intervals, analytical results and a certifications in support of its implementation of an approved pollution prevention initiatives, or BMP. Upon demonstration of compliance, the industrial user may request to be relieved of this implementation requirement.

- (e) **Emergency suspensions and orders.** The Department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the Department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the Department provides informal notification under this section, written confirmation and an order shall be provided within twenty-four (24) hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the Director shall notify the industrial user within twenty-four (24) hours in writing of such action and order, and the specific recourse available. In any event, the Department shall provide the industrial user with an opportunity for a hearing before the Director, or his designated representative, within ten (10) days of such action. The industrial user shall submit a detailed written statement to the Department within fifteen (15) days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the Department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.
- (f) **Notice of violation.** Except in the case of an actual or threatened discharge as specified in Subsection (e) of this section, whenever the Department has reason to believe that any industrial user has violated or is violating this division, the Department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the Department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the Department to issue a notice of violation shall not preclude the Department from escalating its enforcement response.
- (g) **Administrative actions.** Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this division, the Department, except in the case of emergency or flagrant violation, may initiate appropriate administrative enforcement action in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.
 - (1)
 - a. **Conferences.** The Department may order any person, who violates this division, to attend a conference wherein the Department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten (10) days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the Department. The industrial user shall present a plan and schedule for achieving compliance with this division. Nothing contained herein shall require the Department to accept or agree to any proposed plan or schedule, or to prevent the Department from proceeding with a show cause hearing as set forth in Subsection (2) of this section. If the attendees agree upon a compliance schedule, the user and the Department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this division and any procedures, requirements, and agreements hereunder.
 - b. **Compliance schedules.** The user and the Department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, or an administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:
 - (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the

industrial user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;

- (ii) No single increment referred to in Subsection (i) of this section shall exceed nine (9) months;
 - (iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and
 - (iv) Any deviations from the compliance schedule may result in the industrial user being found in violation of this division.
- c. **Administrative orders.** The Department may order any industrial user, who violates or continues to violate this division or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.
- (2) **Show cause hearing.** The Department may order any industrial user, who violates this division or allows such violation to occur, to show cause before the Department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the Department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten (10) days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.
- a. **Hearing Proceeding.** The hearing shall be conducted in accordance with the procedures adopted by the Board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:
 - (i) In the name of the Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - (ii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.
 - b. **Transcript.** At any show cause hearing held pursuant to this division, testimony shall be recorded by a court reporter.
- (3) **Actions.** After a show cause hearing has been conducted, the hearings officer shall issue an order to the industrial user directing any of the following actions:
- a. Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this division, or applicable local, State or Federal law or regulation;
 - b. Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;
 - c. Submission of compliance reports on effluent quality and quantity as determined by self-monitoring and analysis during a specified time period;

- d. Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;
- e. Control of discharge quantities;
- f. Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the Department during compliance efforts; and/or
- g. Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed.
- h. A finding the user has demonstrated by a preponderance of the evidence that a violation either of this division or of a duly issued permit did not occur.

- (4) **Public notification of significant noncompliance.** The Department shall publish in the largest daily newspaper published in the City of Detroit and the Township a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve (12) months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least thirty (30) days before publication and allowed an opportunity to comment as to its accuracy.

(h) Legal actions.

- (1) **Criminal action:** Any user, who violates any provision of this division including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this division, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars (\$500) for each violation per day, or by imprisonment for not more than ninety (90) days, or by both. The Department, consistent with the terms and conditions of the Delegation Agreement entered into with Township, is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this division.
- (2) **Civil action:** Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this division, the Director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The Department or Board may also seek additional legal and/or equitable relief. The commencement of suit does not constitute an exclusive election of remedies and does not prohibit the Department, Director, Board, City of Detroit or the Township from commencing action in Federal Court for discharges believed to be in violation of this division, State and Federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit and/or the Township may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this division, or the orders, rules, regulations and permits issued hereunder.
- (3) All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department and the Township where applicable.

J. Reconsideration and Appeal.

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the Department which result from its construction, application and enforcement of this division. The procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this division.

(a) Selection of reconsideration or of appeal.

- (1) Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the Department by the Director, or an authorized representative, and that interprets, implements or enforces the provisions of this division.
 - (2) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected
 - i. by a permit issued as final by the Department, or
 - ii. by an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.
 - (3) Unless otherwise expressly provided for by this division, a request for reconsideration or appeal must be signed by an authorized representative, and received at the Department's General Offices within twenty (20) days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.
 - (4) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the General Offices of the Department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to reconsideration or appeal may be deemed waived.
- (b) **Reconsideration.** Within fifteen (15) days after receipt of a timely and proper request for reconsideration, the Department shall notify the applicant of the time and place for a hearing.
- (1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the Director and may be an employee of the Department. The decision of the hearings officer shall be in the form of a recommendation to the Director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with Subsection (c) of this section.
 - (2) Where improperly or untimely submitted, the Department may reject a request for reconsideration. The Department shall notify the requester in writing that the request has been rejected.
 - (3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten (10) days nor more than thirty (30) days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.
 - (4) The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the Department or from the court reporter.
 - (5) Within thirty (30) days after the close of the hearing, the hearings officer shall issue a final decision which shall contain a recommendation to the Director. The hearings officer shall send such decision to the requester by certified mail.
 - (6) Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this State, the filing of a request for reconsideration in accordance with this section shall stay the action by the Department that is the subject of the hearing for reconsideration.
- (c) **Appeal.** Within thirty (30) days after receipt of a timely and proper request for an appeal, the Department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:
- (1) Any request for an appeal must be made within twenty (20) days of the Department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this division.

- (2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the Department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.
- (3) The Department shall appoint a hearings officer. The hearings officer shall review the evidence, and within fifteen (15) days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the Department.
- (4) The written recommendation of the hearings officer shall be submitted to the Board which shall render a final decision within thirty (30) days of its next regularly scheduled meeting.
- (5) In accordance with applicable law, the user or the Department may appeal any final decision of the Board to a court of competent jurisdiction.
- (6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of this State, the filing of a request for appeal in accordance with this section shall stay the action by the Department that is the subject of the appeal.

Section 6 - General Regulations of Oakland County Department of Public Works, County of Oakland Sewage Disposal Systems.

A. Section Requirements Mandatory for Connection.

All sanitary sewer systems connected directly or indirectly into the intercepting sewer or sewers of the Oakland County Department of Public Works shall meet the requirements set forth in this section.

B. Plans, Permits and Bonds.

- (1) Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the Oakland County Department of Public Works.
- (2) A connection permit shall be obtained by the owner or contractor from the Oakland County Department of Public Works. Said connection permit shall show the location of the work; the extent of the work; information regarding the contractor, the owner and the engineer; and any other pertinent information as shall be determined necessary by the department of public works. A fee shall be charged for said permit to cover the cost of inspection of each connection and to verify the result of the acceptance test. The permit fee shall be One Hundred Fifty Dollars (\$150) for each connection plus Fifteen Dollars (\$15) for each new manhole constructed. Inspection requested during other than normal working hours shall be performed only if deemed necessary by the Oakland County Department of Public Works. The fee for such inspection shall be Two Hundred Fifty Dollars (\$250) per day minimum, in addition to the normal connection permit fee.
- (3) Individual building sewers which are directly connected into the county sanitary sewer system shall conform to all applicable requirements of this division. A connection permit, for which a charge of Fifty Dollars (\$50) will be made by the Oakland County Department of Public Works, shall be obtained from the department of public works before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the local unit of government. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the department of public works.

The party to whom such a permit is issued shall be responsible for notifying the department of public works twenty-four (24) hours in advance of the date and time when such a connection is made so that proper inspection of same can be made by the department.

- (4) Prior to the adjustment, reconstruction, relocation or any other altering of the sewers of the County of Oakland, including manhole structures, the contractor or the person responsible for the work shall first obtain a permit to do such work from the Oakland County Department of Public Works. Said permit fee shall be determined by the department of public works.

Revised 12/20/2018

- (5) Prior to construction and during the life of permits obtained in accordance with subsections (B)(2), (3) and (4) of this section, all owners or contractors shall yearly furnish to the Oakland County Department of Public Works a satisfactory surety bond in the amount of Five Thousand Dollars (\$5,000) as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards, and yearly furnish to the Oakland County Department of Public Works a cash deposit in the amount of Five Hundred Dollars (\$500). Such deposit shall provide funds for emergency work and/or such other work, as may be deemed necessary by the Oakland County Department of Public Works, arising as a result of construction by the owner or contractor. Such bonds shall not be cancelled by the owner, the contractor or the surety without first having given ten (10) days' written notice to the Oakland County Department of Public Works. Cash deposits may be returned to the owner or contractor within ten (10) days of receipt of written request therefore, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the Oakland County Department of Public Works to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any deposit funds will be spent by the Oakland County Department of Public Works. The owner or contractor shall, within thirty (30) days of the mailing of written notice thereof, pay to the Oakland County Department of Public Works the entire amount of such cost. Failure to comply with these rules and regulations and the standards of the Oakland County Department of Public Works may result in the immediate termination of the surety and cash bonds.

C. Bulkhead.

The contractor shall install a suitable bulkhead to prevent construction water, sand, silt, etc., from entering the existing sewer system. Such bulkhead shall be left in place until such time as removal is authorized by the Oakland County Department of Public Works.

D. Acceptance Test.

All sanitary sewer systems shall be subjected to infiltration, air or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Oakland County Department of Public Works and prior to removal of the bulkhead as required in paragraph (C) above.

All final acceptance tests shall be witnessed by the Oakland County Department of Public Works.

(1) Infiltration test:

- (a) All sewers over 24-inch diameter shall be subjected to infiltration tests. All sewers of 24-inch diameter or smaller, where the groundwater level above the top of the sewer is over seven (7) feet, shall be subjected to an infiltration test.
- (b) Maximum allowable infiltration shall not exceed two hundred fifty (250) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for the overall project. Maximum allowable infiltration shall not exceed five hundred (500) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for any individual run between manholes.

(2) Air test or exfiltration test:

- (a) All sewers of 24-inch diameter or less, where the groundwater level above the top of the sewer is seven (7) feet or less, shall be subjected to air tests or exfiltration tests.
- (b) For exfiltration tests, the internal water level shall be equal to the external water level plus seven (7) feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.
- (c) The procedure for air testing of sewers shall be as follows: The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply line shall be fitted

with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of three and one-half (3 1/2) inches and a range of zero (0) to ten (10) pounds per square inch gauge (PSIG). The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ± 0.04 PSIG.

- (d) The sewer shall be pressurized to four (4) PSIG greater than the greatest back pressure caused by groundwater over the top of the sewer pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize between three and one-half (3 1/2) and four (4) PSIG. If necessary, air shall be added to the sewer to maintain a pressure of three and one-half (3 1/2) PSIG or greater.
- (e) After the stabilization period, the air supply control valve shall be closed so that no more air will enter the sewer. The sewer air pressure shall be noted and timing for the test begun. The test shall not begin if the air pressure is less than three and one-half (3 1/2) PSIG, or such other pressure as is necessary to compensate for ground water level.
- (f) The time required for the air pressure to decrease one (1) PSIG during the test shall not be less than the time shown in the "Oakland County Department of Public Works Air Test Tables."
- (g) Manholes on sewers to be subjected to air tests shall be equipped with one-half-inch diameter galvanized capped pipe nipple extending through the manhole three (3) inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the groundwater elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the groundwater elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum groundwater level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.
- (h) If a sewer fails to pass any of the previously described tests, the contractor shall determine the location of the leaks, repair them and retest the sewer. The tests shall be repeated until satisfactory results are obtained.
- (i) All visible leaks and cracks shall be repaired regardless of tests results.

E. Stormwater and Groundwater Control.

- (1) Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of stormwater and/or groundwater shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided under subsection (e)(2) below.
- (2) Perimeter and footing drains from buildings existing before December 16, 1968, shall not be required to disconnect from the sanitary sewer system; provided, that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of such perimeter and footing drains.
- (3) The crock to iron joint shall be sealed by approved flexible adaptor fittings such as those manufactured by Fernco Joint Sealer Company, or as approved by the Oakland County Department of Public Works. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

F. Building Sewers.

House connection sewer from the lateral sewer in the street or easement to within five (5) feet from the house shall be:

- (1) Six-inch diameter extra strength vitrified sewer pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with DPW-approved premium joint;
- (2) Six-inch diameter Class 2400 Asbestos Cement Pipe with Ring-Tite, Fluid-Tite or DPW-approved joint;

- (3) Six-inch diameter, service strength, cast-iron soil pipe with hot poured lead joint, or DPW-approved equal;
- (4) Six-inch diameter extra strength solid wall pipe extruded from Acrylonitrile-Butadiene-Styren (ABS) plastic meeting the minimum cell classification 2-2-3 as defined in ASTM Specification D1788-68.
- (5) Other pipe and joints as may be approved by the Oakland County Department of Public Works.

Copies of the Oakland County Department of Public Works-approved joint shall be on file at the offices of each community in the systems.

House connection sewers shall be six-inch minimum diameter, except that four-inch pipe of comparable strength and joint material may be used if permitted by the local unit of government. All joints shall be tight and when tested for infiltration or exfiltration shall not exceed the requirements of paragraph (D) of this section.

G. Septic Tank Abandonment and Waste Disposal.

- (1) Prior to connecting an individual building sewer to the sewers of the County of Oakland, either directly or indirectly, all existing wastewater treatment facilities, including septic tanks, tile fields and sump pumps, shall be physically and permanently disconnected from the building sewer.
- (2) Septic tank sludge shall be discharged into the sewers of the county, directly or indirectly, only at locations specified by the Oakland County Department of Public Works and only after obtaining proper septic tank dumping tickets.
- (3) The liquid and solids from an abandoned septic tank shall not be drained, dewatered, pumped or in any other manner discharged to the sewers of the county, except as provided for above.

H. Ownership, Operations and Maintenance Responsibility.

All new sanitary sewer systems, except individual building sewers, connected directly or indirectly into the intercepting sewer or sewers of the County of Oakland shall be owned, operated and maintained by the governing community. This includes, but is not necessarily limited to, on-site sewer systems serving condominiums, apartment projects, shopping centers and mobile home parks.

I. Manholes.

- (1) All manholes constructed on sanitary sewer systems shall be provided with lid frames bolted to the cone section of the manhole with rubber O-ring gaskets compressed between the frame and the top of the cone in accordance with the current "Standard Manhole Detail" of the Oakland County Department of Public Works.

Adjustments to manhole tops shall be accomplished by using precast concrete adjustment rings bolted to the cone section of the manhole with rubber O-ring gaskets compressed between each adjacent ring.

Mortar and brickwork adjustment at the top of manholes will not be allowed. All manhole riser and cone sections shall have modified groove tongue joint with rubber gasket.

The bolted frame, bolts, adjustment rings and O-ring gaskets shall be in accordance with the standards of the Oakland County Department of Public Works.

- (2) All manholes shall be provided with bolted waterproof covers in accordance with the current "Standard Manhole Detail" of the Oakland County Department of Public Works.

Although not recommended, and only under certain circumstances, consideration will be given to the burying of manholes in lieu of providing bolted covers and only upon written request to the Oakland County Department of Public Works.

J. As-Built Plans.

Prior to the acceptance of any sewer system and prior to the removal of the bulkhead as required in paragraph (C) (except

under extenuating circumstances as may be approved by the director) as-built plans shall be provided to the Oakland County Department of Public Works. Said as-built plans shall show a statement by a registered engineer or surveyor certifying this to be "as-built plans" and shall include, but not be limited to, length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, and sewer material and joints used.

- K. All combined sewer systems connected directly or indirectly to the intercepting sewer or sewers of the County of Oakland shall meet the following requirements:
- (1) Paragraphs (B), (C), (F), (G), (H), (I) and (J) of this section are required for sanitary sewer system connecting to interceptor sewers of the County of Oakland as hereinbefore mentioned.
 - (2) Prior to acceptance of the system and prior to removal of the bulkhead as required under paragraph (C) of this section, all combined sewer systems shall be subjected to an infiltration test in accordance with the infiltration requirements of the Oakland County Department of Public Works as outlined in paragraph (D) of this section. Said test shall be witnessed by the Oakland County Department of Public Works.
 - (3) Downspouts and footing drain tile may be connected to a combined sewer if permitted by the local unit of government.
 - (4) No requirements of the Oakland County Department of Public Works, or permits issued hereunder by said department, shall relieve the property owner of complying with all the rules and regulations of the local unit of government wherein such property is located when such rules and regulations are not in conflict with the requirements of the department of public works.
 - (5) All sewer construction shall comply with the general specifications of the Oakland County Department of Public Works. Copies of said specifications may be obtained from the office of the department of public works.
 - (6) Construction of new combined sewer systems shall be prohibited except when no prudent or feasible alternative exists.

Section 7 - Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility *(added 2018)*

A. Adoption of Regulations.

The Charter Township of Orion hereby adopts the "Industrial Pretreatment Program Regulations for Discharges to The Clinton River Water Resource Recovery Facility" as Appendix D of this Ordinance No. 131.

B. Delegation of Authority.

The Oakland County Water Resources Commissioner, or the "WRC," is authorized to administer and enforce the provisions of Appendix D of this ordinance on behalf of the township. The township has executed and hereby ratifies the Clinton River Water Resource Recovery Facility Interjurisdictional Agreement, its delegation agreement with the WRC, which sets forth the terms and conditions of such delegated authority, consistent with these sections, and shall allow the WRC to perform the specific responsibilities of control authority pursuant to state and federal law.

Appendix A

Aluminum Forming	40 C.F.R. Part 467
Asbestos Manufacturing	40 C.F.R. Part 427
Battery Manufacturing	40 C.F.R. Part 461
Builder's Paper and Board Mills	40 C.F.R. Part 431
Canned and Preserved Fruits and Vegetables	40 C.F.R. Part 407
Canned and Preserved Seafood Processing	40 C.F.R. Part 408
Carbon Black Manufacturing	40 C.F.R. Part 458
Cement Manufacturing	40 C.F.R. Part 411
Centralized Waste Treatment	40 C.F.R. Part 437
Coal Mining	40 C.F.R. Part 434
Coil Coating	40 C.F.R. Part 465
Copper Forming	40 C.F.R. Part 468
Dairy Products Processing	40 C.F.R. Part 405
Electrical and Electronic Components I & II	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413
Explosives Manufacturing	40 C.F.R. Part 457
Feed Lots	40 C.F.R. Part 412
Ferroalloy Manufacturing	40 C.F.R. Part 424
Fertilizer Manufacturing	40 C.F.R. Part 418
Glass Manufacturing	40 C.F.R. Part 426
Grain Mills	40 C.F.R. Part 406
Gum and Wood Chemicals Manufacturing	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink Formulating	40 C.F.R. Part 447
Inorganic Chemicals Manufacture (I & II)	40 C.F.R. Part 415
Iron and Steel	40 C.F.R. Part 420
Iron and Steel	40 C.F.R. Part 420
Leather Tanning & Finishing	40 C.F.R. Part 425
Meat Products	40 C.F.R. Part 432
Metal Finishing	40 C.F.R. Part 433
Metal Molding and Casting	40 C.F.R. Part 464
Metal Products and Machinery	40 C.F.R. Part 438
Mineral Mining and Processing	40 C.F.R. Part 436
Nonferrous Metals Forming	40 C.F.R. Part 471
Nonferrous Metals Manufacturing I	40 C.F.R. Part 421
Nonferrous Metals Manufacturing II	40 C.F.R. Part 421
Ore Mining and Dressing	40 C.F.R. Part 440

Organic Chemicals, Plastics, and Synthetic Fibers	40 C.F.R. Part 414
Paint Formulating	40 C.F.R. Part 446
Paving and Roofing Materials	40 C.F.R. Part 443
Pesticide Chemicals	40 C.F.R. Part 455
Petroleum Refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate Manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics Molding and Forming	40 C.F.R. Part 463
Porcelain Enameling	40 C.F.R. Part 466
Pulp, Paper, and Paperboard	40 C.F.R. Parts 430 and 431
Rubber Manufacturing	40 C.F.R. Part 428
Soap and Detergent Manufacturing	40 C.F.R. Part 417
Steam Electric	40 C.F.R. Part 423
Sugar Processing	40 C.F.R. Part 409
Textile Mills	40 C.F.R. Part 410
Timber Products	40 C.F.R. Part 429
Transportation Equipment Cleaning	40 C.F.R. Part 442
Waste Combusters	40 C.F.R. Part 444

Appendix B

An Industrial user may elect, in lieu of the Total Phenols Limitation specified in section 56-3-59.1(b)(2), to substitute specific limitations for each of the eight individual phenolic compounds identified under the Total Phenols limitation. The following specific limitations, expressed in mg/l, shall be applied in lieu of the Total Phenols limitation, upon election:

2-Chlorophenol	2.0 mg/l
4-Chlorophenol	2.0 mg/l
4-Chloro-3-methylphenol	1.0 mg/l
2,4-Dichlorophenol	5.5 mg/l
2,4-Dinitrophenol	2.0 mg/l
4-Methylphenol	5.0 mg/l
4-Nitrophenol	15.0 mg/l
Phenol	14.0 mg/l

Following election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and an Industrial User shall be responsible for monitoring and reporting compliance with these parameters.

Appendix C – Interim Discharge Limitations

No user shall discharge wastewater containing any of the following pollutants in excess of the following interim pollutant discharge limitations:

1. Compatible Pollutants.

- a. Any Fats, Oil or Grease (FOG) in concentrations greater than 1,500 mg/l based on an average of all samples collected within a twenty-four (24) hour period.
- b. Any Total Suspended Solids (TSS) in concentrations greater than 7,500 mg/l.
- c. Any Biochemical Oxygen Demand (BOD) in concentrations greater than 7,500 mg/l.
- d. Any Phosphorus (P) in concentrations greater than 250 mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a User's discharge, and in accordance with 40 CFR Part 136.

2. Non-Compatible Pollutants.

Cadmium (Cd) 1.0 mg/l

Appendix D

**INDUSTRIAL PRETREATMENT PROGRAM
REGULATIONS FOR DISCHARGES TO THE CLINTON RIVER WATER RESOURCE
RECOVERY FACILITY**

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Appendix D**INDUSTRIAL PRETREATMENT PROGRAM REGULATIONS FOR DISCHARGES TO THE
CLINTON RIVER
WATER RESOURCE RECOVERY FACILITY****DIVISION 1. GENERAL PROVISIONS****Section 1.01. Background; Scope and Applicability of Article (“Covered Discharges”); Designation of Agent and Representative; Amendments; Purposes; and Compliance****A. Background.**

1. All references in this Ordinance to “Local Unit” shall mean the Charter Township of Orion, Oakland County, Michigan (the “Township”), and shall include the Township’s authorized representatives.
2. All references in this Ordinance to “Drainage District” shall mean (singly or collectively and as applicable depending on the context in which the term is used) the City of Pontiac Wastewater Treatment Facility Drainage District (“COPWTFDD”), and/or the Clinton River Water Resource Recovery Facility Drainage District (“CRWRRFDD”). “Drainage District” shall include all successor drainage districts that may exist now or in the future and all future assignments.
3. As of the effective date of this Ordinance, some Users and Premises located within the Local Unit discharge wastewater to the Clinton River Water Resource Recovery Facility (“CRWRRF”) located in the City of Pontiac, Michigan. Discharges from the Local Unit that are conveyed or transported by any means, in whole or in part, directly or indirectly, to the CRWRRF are hereinafter referred to in this Ordinance as “Covered Discharges.”
4. The Drainage District is the Control Authority and holds the NPDES Permit for the CRWRRF.
5. The Drainage District’s NPDES Permit and other applicable state and federal pretreatment laws and regulations require the Drainage District, in its capacity as the CRWRRF Control Authority, to develop and implement an approved industrial pretreatment program (“IPP”); to have the legal authority for all users throughout the CRWRRF’s service area, regardless of jurisdictional boundaries, as needed to independently assess and assure compliance by all users with the Drainage District’s approved IPP and applicable state and federal pretreatment standards and requirements; and to enter into interjurisdictional agreements with all local units tributary to the CRWRRF that, at a minimum, identify the agency responsible for the implementation and enforcement of the Drainage District’s IPP within the jurisdictional boundaries of each tributary local unit.
6. Discharge by the Local Unit of the “Covered Discharges” is authorized by one or more interjurisdictional agreements entered into between the Local Unit and other parties, including, but not limited to, the Drainage District. The interjurisdictional agreements require the Local Unit to adopt and keep continually in force and up- to-date an ordinance applicable to the Covered Discharges with respect to IPP- related matters; and require the Local Unit to designate, authorize, and empower the Drainage District to act as the Local Unit’s principal agent and representative for purposes of administering and enforcing such an ordinance within the Local Unit’s boundaries.
7. This Ordinance is being adopted by the Local Unit in accordance with the requirements of the Drainage District’s NPDES Permit, applicable state and federal pretreatment laws and regulations, and the interjurisdictional agreements, as referenced above.

B. Scope and Applicability.

1. This Ordinance applies only to the “Covered Discharges” and Users or Premises located within the Local Unit that discharge to the CRWRRF.
2. Discharges from the Local Unit that are transported in whole or in part to wastewater treatment facilities other than the CRWRRF (i.e., wastewater that is not a Covered Discharge) may be subject to laws, ordinances, rules, or

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regulations that are different than those provided by this Ordinance. In all cases, however, the most stringent or restrictive discharge standards and requirements applicable to the Local Unit's discharges shall control, whether established by this Ordinance or by such other applicable laws, ordinances, rules, or regulations.

C. Designation of Oakland County Water Resources Commissioner as Agent and Representative of Local Unit.

1. The Local Unit hereby designates, empowers, and authorizes the Oakland County Water Resources Commissioner ("WRC"), in the WRC's capacity as the agent for the Drainage District, to act as the Local Unit's principal agent and representative for purposes of administering and enforcing this Ordinance within the Local Unit with respect to the Covered Discharges and any sewers, pipes, or related equipment and facilities that collect, convey, transport, or discharge, in whole or in part, directly or indirectly, Covered Discharges to the CRWRRF. This includes, but is not limited to, the power and authority of the Commissioner, as deemed necessary by the Commissioner, to immediately and independently investigate, enforce, and prosecute (administratively or judicially, and civilly or criminally) any violation of this Ordinance or of any notice, order, permit, decision or determination promulgated, issued or made by the Commissioner under this Ordinance or under the Clinton River Water Resources Recovery Facility Sewer Use Ordinance ("CRWRRF SUO"), and to otherwise implement the requirements of this Ordinance and the CRWRRF SUO.
2. All references below in this Ordinance to the "Director" shall mean the Commissioner acting as the agent and representative of the Local Unit as provided above.

D. Amendments.

1. The Director shall notify the Local Unit in writing of any IPP-related amendments made to the CRWRRF SUO for which similar amendments are required to be made by the Local Unit to this Ordinance with respect to Covered Discharges.
2. Upon receipt of notice from the Director, the Local Unit shall proceed to adopt the IPP-related amendments to this Ordinance in a prompt manner; provided that any such ordinance amendments shall become fully effective as a law of the Local Unit no later than 180 days after the date of receipt by the Local Unit of the notice from the Director.
3. The Local Unit shall notify the Director upon final enactment of all such amendments to this Ordinance and shall send a copy of this Ordinance as amended to the Director.

E. Purposes. The purposes of this Ordinance include, but are not limited to, the following:

1. To establish uniform requirements for the Covered Discharges; and to enable the Local Unit and Drainage District, to comply with applicable State and Federal laws with regard to the Covered Discharges as required by the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 USC 1251, et seq.; the General Pretreatment Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., as amended ("Water Resources Protection"); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to Sections 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended.
2. To prevent the discharge of pollutants into the POTW that do not meet applicable pretreatment standards and requirements; that would interfere with the operation of the POTW; that would pass through the POTW into the receiving waters or the atmosphere, the environment, or otherwise be incompatible with the POTW; that would inhibit or disrupt the POTW's processing, use, or disposal of sludge; that would cause health or safety problems for POTW workers; or that would result in a violation of the Drainage District's NPDES permit or of other applicable laws and regulations.
3. To improve the opportunity to recycle and reclaim wastewaters and sludges from POTW.
4. To regulate the discharge of wastewater and/or pollutants to the POTW and to enforce the requirements of this Ordinance through the issuance of permits and through other means as provided by this Ordinance.
5. To authorize and require all inspection, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations.

F. Compliance.

1. It shall be unlawful for any person to discharge any Covered Discharge to the POTW except in accordance with the provisions of this Ordinance and other applicable laws and regulations.
2. If any person discharges or proposes to discharge wastewaters or pollutants that are prohibited or limited by this Ordinance, the Director and/or the Local Unit may take any action as provided by this Ordinance or by other applicable laws or regulations to assure and require compliance with the provisions of this Ordinance.
3. The Local Unit shall take all steps that are necessary to ensure that all requirements of this Ordinance are met before allowing any connection to be made to a public sewer that transports Covered Discharges to the POTW.

G. Conflict or Inconsistency.

1. If there is any conflict or inconsistency between the standards, requirements, or procedures provided by this Ordinance with respect to Covered Discharges and the standards, requirements, or procedures provided by any other law or regulation of the Local Unit, the standards, requirements, and procedures of this Ordinance shall control.
2. If there is a question or ambiguity with regard to whether or not there is a conflict or inconsistency between the provisions of this Ordinance and the provisions of any other law or regulation of the Local Unit, the question or ambiguity shall be resolved by the Director.

Section 1.02. Definitions

Unless the context clearly indicates otherwise, the following terms shall have the following meanings as used in this Ordinance:

“Act” means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC. 1251, et seq.

“Alternative FOG Pretreatment Technology” or “AFPT” means a device to trap, separate, and hold FOG from wastewater and prevent it from being discharged into the POTW, other than an outdoor FOG interceptor.

“Ammonia Nitrogen” or “NH₃ as N” means one of the oxidation states of nitrogen in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄⁺, and is determined quantitatively in accordance with U.S. EPA procedures set forth in the latest version of 40 CFR 136.

“Authorized Representative.” When used in reference to a Nondomestic User, “authorized representative” means as follows:

- A. If the user is a corporation, a responsible corporate officer. “Responsible corporate officer” means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or proprietorship, a general partner or proprietor, respectively.
- C. If the user is a federal, state or local governmental entity, the principal executive officer, ranking elected official, or other duly authorized employee having responsibility for the overall operation of the discharging facility.
- D. A duly authorized representative of an individual designated in (A), (B) or (C) above, if the representative is responsible for the overall operation of the facilities from which the discharge to the POTW originates.
 - (1) To be considered “duly authorized,” the authorization must be made in writing by an individual designated in (A), (B) or (C) above. The authorization must specify either an individual or a position having responsibility for the overall

operation of the facility (such as the position of plant manager, operator of a well or well field, or a position of equivalent responsibility, or having overall responsibility for the environmental matters for the company or entity). The written authorization must be submitted to the Director prior to or together with any reports to be signed by the authorized representative.

- (2) If an authorization under (D)(1) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company or entity, a new written authorization must be submitted to the Director prior to or together with any reports to be signed by the newly authorized representative.

“Background Sewage Concentrations” or “Background Concentrations” means, in general, the estimated background influent pollutant loads from influent sources such as domestic users, and nondomestic users not subject to discharge permits or other controls, as determined pursuant to the CRWRRF’s most recent MAHL study.

“Best Management Practice” or “BMP” means any practice, program, procedure, control, technique or measure (used singularly or in combination), that a user is required to adopt or implement to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances to the POTW, as determined necessary by the Director. BMPs include, but are not limited to: schedules of activities; pollution treatment practices or devices; prohibitions of practices; good housekeeping practices; pollution prevention, minimization and reduction measures; educational practices and programs; maintenance procedures; other management programs, practices or devices; treatment requirements; notice, reporting, and record-keeping requirements; and operating procedures and practices to control or contain site runoff, spillage or leaks, batch discharges, sludge or water disposal, or drainage from product and raw materials storage. BMPs may be structural, non-structural, or both. In determining what BMPs will be required of a user in a particular case, the Director may consider all relevant technological, economic, practical, and institutional considerations as determined relevant and appropriate by the Director, consistent with achieving and maintaining compliance with the requirements of this Ordinance and other applicable laws and regulations.

“BOD” means biochemical oxygen demand.

“BOD5” means the quantity of dissolved oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in terms of weight and concentration (milligrams per liter).

“Building Drain.” See definition of “Sewer.”

“Building Sewer.” See definition of “Sewer.”

“Bypass” means the intentional diversion of wastestreams from any portion of a user’s treatment process or facility needed for compliance with pretreatment standards or requirements.

“Calendar Day” means the full 24-hour period beginning at 12 o’clock midnight of a day and ending at 12 o’clock midnight of the following day.

“Calendar Month” means the full period of calendar days beginning at 12 o’clock midnight of the first calendar day of a month and ending at 12 o’clock midnight of the last calendar day in that same month.

“Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act, 33 USC 1317, which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended from time to time.

“Categorical User” means a user subject to a categorical pretreatment standard.

“CBOD” (denoting Carbonaceous Biochemical Oxygen Demand) means the quantity of oxygen utilized (less the nitrogenous demand by the addition of a nitrogen inhibitor) in the biological oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).

“CFR” means Code of Federal Regulations.

“COD” (denoting Chemical Oxygen Demand) means a measure of oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as oxygen consumed (OC) and dichromate oxygen consumed (DOC), respectively.

“Collection System Limitation” or “CSL” means a not-to-exceed concentration determined necessary to protect the POTW that applies to pollutants with the potential to cause obstruction of flow, fire, explosion, toxic fumes, structural corrosion, or other adverse conditions.

“Combined Sewer.” See definition of “Sewer.”

“Commercial User” means any Nondomestic User other than an Industrial User that by any means, contributes, causes or permits the contribution, introduction or discharge of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether directly or indirectly.

“Compatible Pollutant” means a pollutant that, as determined by the Director, is susceptible to effective treatment by the POTW as designed, and which will not interfere with, or pass through, the POTW, and which is otherwise not incompatible with the treatment processes or in excess of the capacity at the POTW. The term “compatible” is a relative concept that must be determined on a case-by-case basis. In determining whether or not a pollutant is compatible with the POTW, the Director may consider, without limitation, the nature and qualities of the pollutant, and the concentration, mass, and flow rate at which the pollutant is (or is proposed to be) discharged. Thus, for example, even pollutants such as BOD, fats, oils or grease, phosphorous, suspended solids, and fecal coliform bacteria, which may typically be considered “compatible,” may be determined incompatible by the Director if discharged in concentrations or flows that would cause interference or pass through or exceed the POTW’s capacity. Specifically excluded from the definition of compatible pollutant are “heavy” metals, PCBs, and any pollutants that will likely contribute or cause operational or sludge disposal problems or unacceptable discharges to the receiving waters.

“Composite Sample” means a series of individual samples, collected on a flow or time proportional basis, taken at regular intervals over a specific time period and combined into a single sample (formed either by continuous sampling or by mixing discrete samples) representative of the average stream during the sampling period. For categorical sampling, a composite sample shall consist of at least four (4) individual samples taken within a 24-hour period.

“Cooling Water” means water used for cooling purposes only, including both contact and non- contact cooling water.

“Cooling Water (contact)” means water used for cooling purposes only that may become contaminated or polluted either through the use of water treatment chemicals (such as corrosion inhibitors or biocides) or by direct contact with process materials and/or wastewater.

“Cooling Water (non-contact)” means water used for cooling purposes only that has no direct contact with any raw material, intermediate product, final product, or waste, and that does not contain a detectable level of contaminants higher than that of the intake water (for example, the water discharged from uses such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat).

“COPWTFDD” or “City of Pontiac Wastewater Treatment Facility Drainage District” means the Drainage District organized pursuant to Chapter 20 of Act 40 of the Public Acts of Michigan of 1956. COPWTFDD includes the COPWTFDD’s designated agents and authorized representatives and all successor Drainage Districts that may exist now or in the future and all future assignments.

“County” means the County of Oakland, Michigan. “County” includes the County’s designated agents and authorized representatives.

“Covered Discharge” means any discharge from the Local Unit (including discharges from Users and Premises located within the Local Unit) that is conveyed or transported by any means, in whole or in part, directly or indirectly, to the CRWRRF.

“CRWRRFDD” or “Clinton River Water Resource Recovery Facility Drainage District” means the Drainage District organized pursuant to Chapter 20 of Act 40 of the Public Acts of Michigan of 1956. CRWRRFDD includes the CRWRRFDD’s designated agents and authorized representatives, and all successor Drainage Districts that may exist now or in the future and all future assignments.

“CRWRRF” or “Clinton River Water Resource Recovery Facility” means the Clinton River Water Resource Recovery Facility owned and/or operated by the Drainage District that is located within the City of Pontiac, including the facilities currently known as the Auburn Plant and the East Boulevard Plant, and including all and any devices, processes and systems used in the storage, treatment, recycling or reclamation of wastewater, sewage or sludge, as now or hereafter added to, extended or improved.

“CRWRRF SUO” or “Clinton River Water Resources Recovery Facility Sewer Use Ordinance” means Article III (“Sewer Use and Pretreatment”) of Chapter 118 (“Utilities”) of the Pontiac Municipal Code, as amended.

“CRWRRF Superintendent” means the person designated by the Director, to perform on behalf of the Director, such actions as provided by this Ordinance, including, but not limited to, the implementation of this Ordinance and the supervision, management, and operation of the POTW. References to “CRWRRF Superintendent” include the CRWRRF Superintendent’s designated agents and authorized representatives.

“Daily Maximum” means the maximum discharge of pollutants or flow (expressed in terms of concentration, mass loading, pounds, gallons or other unit of measurement) that shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that calendar day (except pH and dissolved oxygen). Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the calendar day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that calendar day. If grab samples are required for a parameter, the determination

whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day (except pH and dissolved oxygen). If only one grab sample is collected for a parameter on a given calendar day, the determination whether the daily maximum limitation for that parameter has been exceeded for that calendar day shall be based on the results of that single grab sample.

“Days” means, for purposes of computing a period of time prescribed or allowed by this Ordinance, consecutive calendar days.

“Dilute” means to weaken, thin down or reduce the concentration of pollutants in wastewater.

“Director” means the Oakland County Water Resources Commissioner (“WRC”), acting in the WRC’s capacity as agent for the Drainage District. “Director” includes the WRC’s designated agents and authorized representatives, including, but not limited to, the CRWRRF Superintendent.

“Discharge” means the introduction of waste, wastewater, effluent, or pollutants into the POTW, whether intentional or unintentional, and whether directly (such as through an approved sewer connection or other approved discharge point as authorized by this Ordinance) or indirectly (including, but not limited to, sources such as inflow and infiltration).

“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 waste. 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 waste in a treatment works and transported to a receiving facility or managed in accordance with a residuals management program approved by the MDEQ.

“Domestic User” means a user that discharges only segregated normal strength domestic waste into the POTW.

“Domestic Waste” means wastewater (or water-carried waste) of human origin generated by personal activities from toilet, kitchen, laundry, or bathing facilities, or by other similar facilities used for household or residential dwelling purposes (“sanitary sewage”). Domestic waste shall not include any waste resulting from industrial or commercial processes, including, without limitation, any hazardous or toxic pollutants. Wastes that emanate from sources other than residential dwelling units may be considered domestic wastes only if they are of the same nature and strength and have the same flow rate characteristics as wastes that emanate from residential dwelling units, as determined by the Director.

“Drainage District” means the City of Pontiac Wastewater Treatment Facility Drainage District (“COPWTFDD”), and/or the Clinton River Water Resource Recovery Facility Drainage District (“CRWRRFDD”), as applicable and appropriate to the context used. Drainage District includes the Drainage District’s designated agents and authorized representatives, and all successor Drainage Districts that may exist now or in the future and all future assignments.

“Dwelling” (as in “residential dwelling”) means any structure designed for habitation, including but not limited to houses, mobile homes, apartment buildings, condominiums, and townhouses where each dwelling unit contains, at a minimum, sleeping facilities, a toilet, a bath or shower, and a kitchen.

“Effluent” means wastewater or other liquid, partially or completely treated, flowing from a reservoir, basin treatment process, treatment plant, disposal facility or toilet device.

“EPA” means the United States Environmental Protection Agency or the EPA’s authorized representatives.

“Excessive” means at such a flow, rate, magnitude or amount that, in the judgment of the Director, it may cause damage to any facility or the POTW; may be harmful to the wastewater treatment processes; may adversely affect the management or operation of the POTW or POTW sludge management or disposal; may cause pass through or interference; may violate any pretreatment standard or requirement; may adversely affect the quality of the receiving waters or the ambient air quality; may endanger worker health and safety; may constitute a public nuisance; may be inconsistent with the requirements, purposes or objectives of this Ordinance; or may otherwise adversely impact the public health, safety or welfare or the environment.

“Existing Source” means any source of discharge that is not a “new source” as defined by this Ordinance.

“Fats” or “FOG” means fats, oil or grease consisting of any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other non-volatile material of animal, vegetable or mineral origin that is extractable by solvents in accordance with standard methods.

“Flow-proportional Composite Sample” means a combination of individual samples of equal volume taken at equal intervals of flow without consideration of the time between individual samples.

“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 one (1) part of that restaurant-derived material per three (3) parts of domestic septage, prior to land application or disposed of at a receiving facility.

“Food Service Establishment” or “FSE” means any premises where food or beverages are prepared and served or consumed, whether fixed or mobile, with or without charge, and whether on or off the premises. FSEs shall include, but are not limited to, restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores with onsite food preparation, and ice cream parlors. The following shall not be subject to the interceptor/APT requirements under Section 16.08 of this Ordinance except as otherwise determined necessary by the Director to meet the purposes and objectives of this Ordinance: (a) A private residential dwelling unit where the food is prepared and served or consumed solely by the occupants of the dwelling unit; (b) a premises where the only food prepared and served or consumed is dispensed from automatic vending machines; and (c) a “Temporary Food Service Establishment” meaning an FSE operating at a fixed location for not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

“Footing drain.” See definition of “Sewer.”

“Garbage” means solid wastes from the storage, preparation, cooking, serving, dispensing, canning, or packaging of food, or from the growing, handling, storage, processing or sale of produce or other edible products. It is composed largely of putrescible organic matter and its natural or added moisture content.

“General User Permit” means a permit issued to any user other than a Significant Industrial User as provided by this Ordinance to control discharges to the POTW and to ensure compliance with applicable pretreatment standards and requirements.

“Grab Sample” means an individual sample that is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

“Grease trap” or “grease interceptor” shall mean a device meant to receive the drainage from fixtures or equipment with FOG-laden waste from a food service establishment or other nondomestic user’s premises, and may also be described as a device for

separating and retaining FOG, waterborne greases, and grease complexes from wastewater prior to the wastewater exiting the device and entering the public sewer. Grease traps are generally smaller devices with lower flow rates and are located inside (often directly under a sink in FSEs), while grease interceptors are generally larger devices with higher flow rates located outdoors and underground.

“Hazardous Waste” means any substance discharged or proposed to be discharged into the POTW, that (1) if otherwise disposed of would be a hazardous waste under 40 CFR Part 261 or under the rules promulgated under the state hazardous waste management act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.11101 et seq., as amended); or (2) is otherwise a waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed, as determined by the POTW.

“Holding Tank Waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

“Incompatible Pollutant” means any pollutant that is not a compatible pollutant and/or contains substances which are not amenable to treatment, or wastes which may adversely affect the treatment process, the effluent, sludge disposal practices, or cause the POTW to violate its NPDES permit, as determined by the Director.

“Industrial User” means any Nondomestic User that conducts any industrial, manufacturing, agricultural, trade, or business process, or development, recovery or processing of natural resources, that, by any means, contributes, causes or permits the contribution, introduction or discharge of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether directly or indirectly.

“Infiltration” means any waters entering the POTW from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

“Inflow” means any waters entering the POTW from sources such as, but not limited to, building downspouts; roof drains or leaders; cellar, yard, and area drains; foundation and footing drains; cooling water (non-contact) discharges; drains from springs and swampy areas; manhole covers; damaged sewer structures; cross connections from storm sewers or storm drains; catch basins; storm waters; surface runoff; street wash waters; or drainage.

“Instantaneous Maximum Limit” means the maximum concentration or other measure of pollutant magnitude of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If the concentration or other measure of pollutant

magnitude determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample exceeds the instantaneous maximum limit, the instantaneous maximum limit shall be deemed to have been violated.

“Instantaneous Minimum Limit” means the lowest measure of pollutant magnitude of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If the concentration or other pollutant magnitude determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample is below the specified instantaneous minimum limit, the instantaneous minimum limit shall be deemed to have been violated.

“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources either:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or
- B. Is a cause of a violation of any requirement of the Drainage District’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations) Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

“Lateral Sewer.” See definition of “Sewer.”

“lbs/day” means pounds per day.

“Leachate” means any liquid that has percolated through or out of some substance and that liquid has been polluted or made toxic by percolating through that substance such as rubbish; a solution obtained by leaching.

“Local Limit” means a specific enforceable prohibition, standard or requirement (numerical or non-numerical) on discharges by Nondomestic Users established by the POTW to meet the purposes and objectives of this Ordinance and to comply with applicable state and federal laws and regulations.

“Local Unit” means the Charter Township of Orion, Oakland County, Michigan, and includes the Township’s authorized representatives.

“MAC” means the Michigan Administrative Code.

“MAHL” or “Maximum Allowable Headworks Loading” means the estimated maximum influent pollutant loads from all influent sources (such as domestic and nondomestic users and septage) that can be received at the POTW’s headworks without causing pass through or interference and consistent with applicable laws and regulations, as determined pursuant to the CRWRRF’s most recent MAHL study.

“MAIL” or “Maximum Allowable Industrial Loading” means the estimated maximum influent pollutant loads from nondomestic users (including permitted industrial users and other controlled sources) that can be received at the POTW’s headworks without causing pass through or interference and consistent with applicable laws and regulations, as determined pursuant to the CRWRRF’s most recent MAHL study.

“May” is permissive.

“MDEQ” means the Michigan Department of Environmental Quality or the MDEQ’s authorized representatives (or the MDEQ’s successor agency).

“Medical Waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes, and includes any medical or infectious wastes as defined by the MDEQ.

“mg/l” means milligrams per liter.

“Monthly Average” means the sum of the concentrations (or mass loadings, expressed in terms of pounds per day, or such other unit of measurement) of a pollutant divided by the number of samples taken during a calendar month. The concentrations (or loadings) that are added are single numbers for single calendar days for all days during the calendar month for which analyses are obtained (whether by the user or the POTW), but the concentrations (or loadings) may be based upon a sample or samples taken over either all or part of that day and upon single or multiple analyses for that day, as determined by the Director. If no samples are taken during particular months because less than monthly sampling is required for a pollutant parameter (e.g., a specified quarterly monitoring period), the monthly average for each month within the specified monitoring period shall be deemed to be the sum of concentrations (or loadings) for the monitoring period divided by number of samples taken during the monitoring period.

“NAICS” or “North American Industrial Classification System” means the system of classification for business establishments adopted by the U.S. Office of Management and Budget, as amended.

“National Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to industrial users and includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

“Natural Outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“New Source” means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act

which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (B) or (C) of this definition, above, but otherwise alters, replaces, or adds to existing process or production equipment. Commencement of construction of a new source shall be determined in a manner consistent with 40 CFR 403.3(m)(3).

“ng/l” means nanograms per liter.

“NH₃-N.” See definition of “Ammonia Nitrogen.”

“Non-contact Cooling Water.” See “cooling water (non-contact).”

“Nondomestic User” means any user other than a Domestic User (i.e., any user that discharges anything other than segregated normal strength domestic waste into the POTW, including but not limited to, commercial users and industrial users). The determination of whether or not a user is a “nondomestic user” shall be made by the Director at the Director’s sole discretion as determined necessary by the Director to achieve the purposes and objectives of this Ordinance. Any user that has the reasonable potential, as determined by the Director, to discharge any waste other than normal strength domestic waste into the POTW, may be deemed a Nondomestic User for purposes of this Ordinance. For the purposes of this Ordinance, and notwithstanding any other provision of this Ordinance to the contrary, any other local unit of government that contributes, or causes or permits the contribution or introduction of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether direct or indirect, shall be considered to be a Nondomestic User.

“Nondomestic User Permit” means a permit issued to a Significant Industrial User, or to such other user as determined appropriate by the Director, as provided by this Ordinance to control discharges to the POTW and to ensure compliance with applicable pretreatment standards and requirements.

“Nondomestic Waste” means any wastewater (or water- or liquid-carried waste) other than domestic waste. The determination of whether or not a waste is a “nondomestic waste” shall be made by Director at the Director’s sole discretion as determined necessary by the Director to achieve the purposes and objectives of this Ordinance. Any waste that has the reasonable potential, as determined by the Director, to be not entirely composed of normal strength domestic waste may be deemed nondomestic waste for purposes of this Ordinance.

“Nonpolar FOG” means any of the Total FOG substances which are not adsorbed by silica gel, and which are also commonly referred to as petroleum-based FOG.

“Normal Strength.” With regard to wastewater, “normal strength” means wastewater for which the concentrations of all pollutants in the wastewater are at or below the corresponding Background Sewage Concentrations for each pollutant. Similarly, with regard to any single pollutant parameter, “normal strength” means that the concentration of the pollutant is at or below the corresponding Background Sewage Concentration for the pollutant. Further, to be considered normal strength, the wastewater must have a pH between 6.5 and 8.5, must not exceed any local limit, and must not contain a level of any constituents (either singly or in combination) that might interfere with POTW treatment processes or cause pass through. The determination of whether or not wastewater or the concentration of a particular pollutant concentration is “normal strength” shall be made by Director based on such factors (including, but not limited to, the factors provided by this definition) as determined necessary and appropriate by the Director to achieve the purposes and objectives of this Ordinance.

“NPDES Permit” means a National Pollutant Discharge Elimination System permit issued from time to time pursuant to Section 402 of the Act.

“Oakland County Wastewater Disposal Standards and Regulations” means the “Wastewater Disposal Standards and Regulations for the Southeastern Oakland County Sewage Disposal System, Evergreen-Farmington Sewage Disposal System, Clinton-Oakland Sewage Disposal System, and Huron-Rouge Sewage Disposal System of the County of Oakland,” as amended from time to time.

“Obstruction” means anything of whatever nature that impedes the flow of wastewater from the point of origination to the trunk line and anywhere else within the POTW. This includes, but is not limited to, objects, sewage, garbage, FOG, tree roots, rocks and debris of any type.

“Operation, Maintenance, Repair, Replacement, and Improvement” means all work, materials, equipment, utilities, and other efforts required to operate and maintain the POTW consistent, at a minimum, with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and includes the cost of repair, replacement, and improvement, in whole or in part.

“Outfall” means the point (or points) of discharge by a user to the POTW, approved by the POTW and specified in a User Permit.

“Owner” means the owner of record of the freehold of a premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a premises.

“Pass Through” means a discharge that exits the POTW into waters of the State (or waters of the United States) in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Drainage District’s NPDES permit or of any requirement of applicable local, state or federal laws and regulations (including an increase in the magnitude or duration of a violation), or otherwise detrimentally impacts the receiving stream.

“Person” means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity, school district, 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.

“pH” means the quantitative measure of acidity or alkalinity of a solution, defined as the negative logarithm (base 10) of the concentration of hydronium ions in equivalents/liter.

“Phosphorus” means the total phosphorus content of a sample including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to in Standard Methods as total phosphorus.

“Pollutant” includes, but is not limited to, any of the following:

- A. Any material that is discharged into water or other liquid, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.
- B. Properties of materials or characteristics of wastewater, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.
- C. Substances regulated by categorical standards.
- D. Substances discharged to the POTW that are required to be monitored by a user under this Ordinance, that are limited in the Drainage District’s NPDES permit, or that are required to be identified in the POTW’s application for an NPDES permit.
- E. Substances for which control measures on users are necessary to avoid restricting the POTW’s residuals management program; to avoid operational problems at the POTW; or to avoid POTW worker health and safety problems.

“Pollution” means the alteration of the chemical, physical, biological and radiological integrity of water.

“Pontiac Collection System” (also known as the “City of Pontiac Sewage Disposal System”) means the wastewater collection system owned by the County located within the City of Pontiac, including all sewers, pump stations, and other sewer facilities used to collect or convey wastewater to the CRWRRF, as now or hereafter added to, extended or improved. The Pontiac Collection System is owned by the County by virtue of the City of Pontiac Sewage Disposal System Contract dated April 19, 2012 (entered into under Act 342 of the Public Acts of Michigan of 1939).

“POTW” (Publicly Owned Treatment Works). The complete sewage collection, disposal, transportation and treatment system as defined by the Act and this Ordinance, located within the City of Pontiac, including the CRWRRF and the Pontiac Collection System, as now or hereafter added to, extended or improved. The term “POTW” shall also include any sewers and related facilities located outside the City of Pontiac that convey wastewater to the POTW from persons or entities that are, by contract or agreement, users of the POTW. References in this Ordinance to approvals, determinations, reviews, etc., “by the POTW” shall mean by the Director, or the Director’s designated agents or representatives. The term “POTW” may also be used to refer to the Drainage District as the entity or entities that have jurisdiction over discharges to the POTW, and their designated agents or representatives, as appropriate to the context in which the term is used.

“Premises” means a lot, tract, parcel or plot of land, or a building, structure, facility, or installation, or any part thereof, having any connection, directly or indirectly, to the POTW, or from which there is a discharge to the POTW.

“Pretreatment” means the reduction of the amount of pollutants, the elimination or removal of pollutants, or the alteration of the nature of pollutant properties in wastewater before or instead of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or other means, except for the use of dilution (unless expressly authorized by any applicable pretreatment standard or requirement and the Director) and except for the use of other means prohibited by applicable local, state, or federal laws or regulations. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings, subject to applicable requirements of local, state and federal laws and regulations.

“Pretreatment Requirement” means any substantive or procedural requirement imposed on a user related to pretreatment, other than a national pretreatment standard.

“Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated in accordance with Section 307(b) and (c) of the Act or Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., including general and specific prohibitive discharge limits and local limits established in this Ordinance pursuant to MAC R 323.2303, and categorical standards.

“Private Sewer.” See definition of “Sewer.”

“Private Wastewater Disposal System” means a septic tank, cesspool or similar device, or part thereof, not connected to a public sewer.

“Process Wastewater” means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

“Public Sewer.” See definition of “Sewer.”

“Reasonable Potential.” As used in this Ordinance, a determination of “reasonable potential” by the Director means a determination made by the Director that a certain condition, state, result or circumstance exists, or is likely to exist, based upon the quantitative or qualitative factors or information deemed by the Director to be relevant and appropriate to the determination, consistent with the purposes and objectives of this Ordinance.

“Replacement” means expenditures for obtaining and installing equipment, accessories, or appurtenances that are necessary to maintain the capacity or performance for which the POTW was designed or constructed.

“Representative sample” means a sample from a wastestream that is as nearly identical as possible in composition to that in the larger volume of wastewater being discharged and typical of the discharge from the facility on a normal operating day, as determined by the Director.

“Residential Dwelling” means any structure designed for habitation, including but not limited to houses, mobile homes, apartment buildings, condominiums, and townhouses where each dwelling unit contains, at a minimum, sleeping facilities, a toilet, a bath or shower, and a kitchen.

“Sanitary Sewage.” See “domestic waste.”

“Sanitary Sewer.” See definition of “Sewer.”

“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 Part 117 of Act 451 of the Public Acts of Michigan of 1994 (MCL §§ 324.11701 et seq., as amended; “Septage Waste Servicers”) elsewhere within the same system or to a receiving facility that is approved by MDEQ.

“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.

“Septic Tank” means a watertight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of suspended solids from sewage and to permit such retained solids to undergo decomposition therein.

“Severe Property Damage” means substantial physical damage to property, or damage to treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean an economic loss caused by delays in production.

“Sewage.” See “wastewater.”

“Sewer” means any pipe, tile, tube, drain, conduit, or conveyance that carries wastewater or drainage water. Other terms used in this ordinance related to sewers are defined as follows:

“Building Drain” means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys the discharge to a building sewer. The building drain shall be deemed to extend from within the walls of a building to a point 5 feet outside the outer face of the exterior building wall.

“Building Sewer” (also referred to as a house connection/lead) means the portion of the drainage system that extends from the end of the building drain (at a point 5 feet outside the outer face of the exterior building wall) and conveys the discharge to a Public Sewer, Private Sewer, or other point of disposal. Types of Building Sewers include: “Combined Building Sewer” which conveys both sanitary sewage and storm water or other drainage; “Sanitary Building Sewer” which conveys sanitary sewage; and “Storm Building Sewer” which conveys storm water or other drainage, but not sanitary sewage. “Combined Building Sewers” are prohibited from discharging to the POTW.

“Combined Sewer” means a public sewer designed and intended to collect both wastewater and storm water runoff for conveyance to wastewater treatment facilities. Combined sewers are prohibited from discharging to the POTW.

“Common Sewer” means a sewer in which all owners of abutting properties have equal rights.

“Footing drain” means a private pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

“Interceptor Sewer” means a public sewer that receives flow from a lateral sewer and conducts such waters to a point for treatment or disposal.

“Lateral Sewer” means a public sewer which is designed to receive a building sewer, and is that portion of the common public sewer system located under the street or within the public right-of-way or public easement and that collects sewage from a particular property for transfer to an interceptor sewer, a trunk line, or to the CRWRRF.

“Private Sewer” means any sewer service line, equipment, or facilities for the disposal of wastewater installed or located on any premises and/or within the street right-of-way that transport wastewater from the premises to the public sewer, such as the building drain and the building sewer.

“Public Sewer” means a common sewer that is controlled by a governmental agency, public utility, or other public entity, such as a lateral sewer, an interceptor sewer, or a trunk line.

“Sanitary Sewer” means a sewer intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, and to which storm, surface and ground waters are not intentionally admitted, and which may include pumping stations, metering stations, and other appurtenances.

“Trunk Sewer” or “Trunk Line” means a public sewer that connects the lateral sewer to the interceptor sewer.

“Sewer System” means a group of interacting sewers functioning as a whole that carries wastewater or drainage water.

“Wye Branch” means a connection to the sewer that is made at an angle similar to a “Wye” so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

“Shall” is mandatory

“SIC” or “Standard Industrial Classification Code” means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

“Significant Industrial User” or “SIU” means any user:

- A. Subject to categorical pretreatment standards; or
- B. Any other user that:
 - (1) discharges to the POTW an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater); or
 - (2) contributes a process waste stream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the CRWRRF; or
 - (3) is otherwise designated by the Director as a Significant Industrial User on the basis that the user has a reasonable potential to adversely affect the POTW, the POTW’s operations, the quality of the POTW’s sludge or effluent; to violate any pretreatment standard or requirement; or because the Director determines that a Nondomestic User Permit for the user’s discharge is required to meet the purposes and objectives of this Ordinance.

The Director may determine that a user that meets the criteria of Subsections (B)(1) or (B)(2) of this definition above is not currently an SIU, if the Director finds that the user’s discharge, either singly or in combination with other discharges, has no reasonable potential to result in the adverse effects, to violate any pretreatment standard or requirement, or that a Nondomestic User Permit is not required to meet the purposes and objectives of this Ordinance under Subsection (B)(3). A determination that a user is not an SIU (or that a permit is therefore not required) shall not be binding and may be reversed by the Director at any time based on changed circumstances, new information, or as otherwise determined necessary by the Director to meet the purposes and objectives of this Ordinance.

“Sludge” means accumulated solid material separated from liquid waste as a result of the wastewater treatment process.

“Slug Discharge” means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

“Slug Loading” means any slug discharge that has a reasonable potential to cause damage to the POTW; be harmful to the wastewater treatment processes; adversely affect the management or operation of the POTW or POTW sludge management or disposal; cause pass through or interference or otherwise cause the POTW to violate its NPDES permit; violate any pretreatment standard or requirement as provided by this Ordinance or by any permit or order issued under this Ordinance; adversely affect the quality of the receiving waters or the ambient air quality; endanger

worker health and safety; constitute a public nuisance; or otherwise adversely impact the public health, safety or welfare or the environment.

“State” means the State of Michigan. The term shall include, where applicable, any administrative agency of the State having jurisdiction in the subject matter of this Ordinance, including (but not limited to) the MDEQ.

“Storm Drain” or “Storm Sewer” means a drain or sewer, either natural or artificial, intended to carry storm water, snowmelt, and surface runoff and drainage, but not wastewater.

“Storm water” means any flow (such as storm water runoff, snow melt runoff, and surface runoff and drainage, but excluding wastewater) occurring during or following, and resulting from, any form of natural precipitation, and is that portion of flow in excess of that which infiltrates into the soil of the drainage area.

“Surcharge” means the additional charges made by the CRWRRF for the treatment of wastewater containing pollutants in excess of specified concentrations, loadings or other applicable limits, or for other purposes specified by this Ordinance.

“Suspended Solids” (SS) or “Total Suspended Solids” (TSS) means solids that float on the surface of, or are suspended in, water, wastewater, or other liquids and which can be removed by laboratory filtering or other standard methods.

“Time-proportional Composite Sample” means a combination of individual samples of equal volume taken at equal intervals of time, without consideration of the volume or rate of flow.

“TKN” means the total Kjeldahl nitrogen content of a sample, including all of the ammonia and organic nitrogen compounds which are converted to ammonium sulfate under the conditions of digestion described in Standard Methods.

“Toxic Pollutant” means any pollutant or combination of pollutants that is or can potentially be harmful to the public health, the POTW, or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the MDEQ, or as provided by local, state or federal laws, rules or regulations.

“Trucked or Hauled Waste or Pollutants.” Any waste or wastewater proposed to be discharged to the POTW from a mobile source, including, without limitation, holding tank waste and septage waste.

“ug/l” means micrograms per liter.

“Unpolluted Water” means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities or water that could otherwise not be benefitted by discharge to the POTW. The Director shall determine whether water is unpolluted water.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

“User” means any person who contributes, causes or permits the contribution, introduction or discharge of wastewater into the POTW, whether intentional or unintentional, and whether directly or indirectly. User includes any local unit of government located outside the City of Pontiac that discharges to the POTW, as well as the individual users located within such other local unit of government.

“User Permit” means a Nondomestic User Permit or a General User Permit.

“Wastewater” means the liquid and water-carried nondomestic or domestic waste from residential dwellings, commercial buildings, industrial facilities, institutions, or other premises (including, without limitation, contaminated groundwater and landfill leachate), together with any groundwater, surface water and storm water that may be present, whether treated or untreated, that is contributed, introduced or discharged into the POTW. The term includes any water that has in any way been used and degraded or physically or chemically altered.

“Water Resources Commissioner” or “WRC” means the Oakland County Water Resources Commissioner, acting in the WRC’s capacity as agent for the Drainage District. “Water Resources Commissioner” includes the Commissioner’s designated agents and authorized representatives, including, but not limited to, the CRWRRF Superintendent. References in this Ordinance to the “Director” mean the Water Resources Commissioner.

“Watercourse” means a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

“Waters of the State” means all rivers, streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Michigan or any portion thereof, and as otherwise provided by applicable laws and regulations.

“Waters of the United States” means all waters as defined by 40 CFR 122.2 and as otherwise provided by applicable laws and regulations.

DIVISION 2. RESERVED

[Division 2 is reserved.]

DIVISION 3. RESERVED.

[Division 3 is reserved.]

DIVISION 4. RESERVED.

[Division 4 is reserved.]

DIVISION 5. SEWER CONNECTIONS

Section 5.01. Compliance with Applicable Laws, Regulations, and Procedures Required

- A. No person shall uncover, make any connections with or opening into, use, alter, or disturb any part or appurtenance of the POTW, nor discharge into the POTW, except in full compliance with the requirements of all applicable law, regulations, and procedures of the Local Unit, the Drainage District, or any other governmental agency. This includes, but is not limited to, compliance with the installation, specification, operation, application, approval, and permitting requirements and procedures applicable to such connections or activities as provided by the Oakland County Wastewater Disposal Standards and Regulations.
- B. If there is any conflict or inconsistency between the standards, requirements, or procedures provided by this Ordinance with respect to Covered Discharges and the standards, requirements, or procedures provided by the Oakland County Wastewater Disposal Standards and Regulations, the standards, requirements, and procedures of this Ordinance shall control. If there is a question or ambiguity with regard to whether or not there is a conflict or inconsistency between the provisions of this Ordinance and the provisions of the Oakland County Wastewater Disposal Standards and Regulations, the question or ambiguity shall be resolved by the Director.

Section 5.02. Multiple Buildings; Separate Uses within Buildings

- A. A separate and independent building sewer shall be provided for each building. However, if any existing building is located on an interior lot so that a separate, independent building sewer is not available for the building, and one cannot be constructed to the building through an adjoining alley, courtyard, or driveway, more than one building may be served with the same building sewer, subject to approval by the Director. In areas where building sewers have not been installed, or where unusual lot splits have occurred, leaving only one building sewer for two properties, joint use of this building sewer may be approved by the Director with the connection to the public sewer being allowed if determined by the Director to be consistent with the purposes and objectives of this Ordinance.

- B. Independent building sewers may also be required for separate uses within a building, as determined necessary by the Director.
- C. Neither the Local Unit, the Director, the Drainage District, or the WRC assumes any responsibility for damage caused by or resulting from any single building sewer which serves more than one building.

Section 5.03. Proposed Connection by Nondomestic User to POTW; Notification

The Local Unit shall notify the Director of all connections to the POTW proposed by any Nondomestic User (excluding churches, schools, multifamily apartment buildings, and publicly owned governmental buildings) for the Director's review to determine whether a Nondomestic User survey must be completed and/or whether a User Permit will be required. The notification shall be provided in writing by the Local Unit to the Director as soon as practicable after the Local Unit becomes aware of any such proposed Nondomestic connection, and at a minimum, before the Local Unit authorizes or approves the connection.

Section 5.04. Approval to Connect to POTW

- A. The Director or the Local Unit may deny permission to connect to the POTW if the Director or the Local Unit determines that there is a reasonable potential that the anticipated discharges may interfere with the POTW; be inconsistent with the provisions of this Ordinance, the Drainage District's NPDES permit, any other local, state, or federal law or regulation, or in any other way hamper the operations of the POTW; or if otherwise determined by the Director or the Local Unit that the proposed connection should not be made consistent with good engineering practices given the design, location, or other aspects of the proposed connection.
- B. Connection to the POTW shall not be approved by the Director or the Local Unit unless there is capacity available (in both wastewater volume and strength) at the CRWRRF and in all downstream sewers, pump stations, interceptors, and force mains, including, but not limited to, adequate capacity to accept, treat and dispose of BOD, TSS, or similar materials as required by applicable local, state or federal laws, rules or regulations, as determined by the Director or the Local Unit.
- C. A violation of any law, regulation, procedure, permit, or approval applicable to connections to the POTW shall be a violation of this Ordinance.

DIVISION 6. REGULATION OF DISCHARGES TO THE POTW

Section 6.01. Discharge Prohibitions

No person shall discharge to the POTW except in compliance with this Ordinance.

The general discharge prohibitions under Section 6.01(A) and the specific discharge prohibitions under Section 6.01(B) apply to every person whether or not the person is subject to any other national, state or local pretreatment standards or requirements, and whether or not the discharge is made pursuant to a User Permit issued pursuant to this Ordinance.

- 1) General Prohibitions. No person shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater that will pass through or interfere with the operation or performance of the POTW.
- 2) Specific Prohibitions. No person shall discharge or contribute to the POTW, directly or indirectly, any of the pollutants, substances, or wastewater as provided by this Subsection 6.01(B). This Subsection 6.01(B) sets forth the minimum requirements for a user's discharges to the POTW. Additional or more restrictive requirements may be required of particular users by a User Permit, or as otherwise authorized or required by this Ordinance or other applicable laws and regulations.
 - a) Standard Concentration Limits. Unless a SAL for a pollutant parameter has been developed and approved for a user as provided by Section 6.01(C) ("Special Alternative Limits"), no person shall discharge or contribute to the POTW, directly or indirectly, pollutants in concentrations that exceed the maximum concentrations ("Standard Concentration Limits") listed below in this Subsection 6.01(B)(1):

Toxic Pollutants (Standard Concentration Limits)

Parameter	Instantaneous Maximum		Daily Maximum	
	mg/l1	Sample Type ²	mg/l1	Sample Type ²
Arsenic	---	---	0.09	Composite
Cadmium	---	---	0.36	Composite
Chromium	---	---	7.8	Composite
Copper	---	---	2.0	Composite
Cyanide (A)	0.26	Grab	0.26	Grab
Lead	---	---	2.4	Composite
Lithium	---	---	8.0	Composite
Mercury	NQ ³	---	NQ ³	Grab
Molybdenum	---	---	0.58	Composite
Nickel	---	---	2.9	Composite
Selenium	---	---	0.39	Composite
Silver	---	---	0.066	Composite
Zinc	---	---	2.9	Composite
Cyanide (T)	---	---	2.4	Composite
Cobalt	---	---	6.8	Composite
Total Phenols	1.4	Grab	1.0	Grab
2,4-Dichlorophenol	---	---	1.3	Grab
Pentachlorophenol	0.42	Grab	0.2	Grab
PCBs	ND ⁴	Grab	ND ⁴	Grab

Compatible Pollutants (Standard Concentration Limits)

Parameter	Instantaneous Maximum		Daily Maximum	
	mg/l	Sample Type ²	mg/l	Sample Type ²
BOD5 (or COD) ⁵	---	---	1,500 ⁶	Composite
Total Suspended Solids	---	---	2,100 ⁷	Composite
Phosphorus (T)	---	---	32 ⁸	Composite
Ammonia Nitrogen (or TKN ⁹)	---	---	125 ¹⁰	Composite
FOG (T)	150 ¹	Grab	150 ¹¹	Grab
FOG (Nonpolar)	50	Grab	50	Grab

Notes:

A = Available

T = Total

¹ Mg/l except as otherwise indicated.

Discharges that contain more than one pollutant that may contribute to fume toxicity shall be subject to more restrictive limitations, as determined necessary by the POTW. The more restrictive discharge limits will be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge, including, without limitation, the specific compounds, if any, listed in Section 6.01(B) of this Ordinance.

Also, see Section 6.05, regarding application of most restrictive or additional standards or requirements under local, state, and federal laws and regulations.

A user may request the Director to develop alternative limits to the Standard Local Limits for specific pollutants ("Special Alternative Limits" or "SALs") as provided by Section 6.01(C).

² See Section 9.03 of this Ordinance for sample type requirements.

³ NQ = Non-quantifiable concentration, defined as at or below the quantification level of 0.2 ug/l using U.S. EPA Method 245.1 (or at or below other quantification levels applicable under alternative test methods required by the POTW or by other applicable laws or regulations). Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of a user's discharge shall be in accordance with U.S. EPA method 245.1, unless the Director requires U.S. EPA Method 1631 (or other appropriate method). The quantification level shall be 0.2 ug/l for Method 245.1 or 0.5 ng/l for Method 1631, unless higher levels are approved by the Director because of sample matrix

interference. Any discharge of mercury at or above the level of quantification is a specific violation of this Ordinance.

- 4 The instantaneous maximum and daily maximum discharge limit for PCBs is non-detect. Except as otherwise required by the Director, compliance with this limit shall be determined as follows: A compliance limit of “non- detect” shall be used for instantaneous maximum and daily maximum discharge limit. Any discharge of PCBs at or above the quantification level is a specific violation of this Ordinance. PCB sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of a user’s discharge shall be in accordance with U.S. EPA method 608. The quantification level shall be 0.1 ug/l, unless higher levels are determined appropriate by the Director because of sample matrix interference. Total PCBs shall be defined as the sum of the Aroclors 1016, 1221, 1232, 1242, 1248, 1254 and 1260. In addition, any detected Aroclor- specific measurements shall be reported.
- 5 At the Director’s discretion, any limit for BOD5 may be replaced with a corresponding COD limit by multiplying the BOD5 limit by the user- specific ratio of COD to BOD5, provided this ratio is based on at least six samples collected over a four-week period or more sampling data if available.
- 6 Any discharge of BOD5 in excess of 275 mg/l shall be subject to surcharge as provided by this Ordinance.
- 7 Any discharge of TSS in excess of 350 mg/l shall be subject to surcharge as provided by this Ordinance.
- 8 Any discharge of phosphorus (T) in excess of 6 mg/l shall be subject to surcharge as provided by this Ordinance.
- 9 At the Director’s discretion, any limit for Ammonia Nitrogen may be directly expressed as a TKN limit when the user’s discharge contains organic nitrogen.
- 10 Any discharge of Ammonia Nitrogen in excess of 25 mg/l shall be subject to surcharge as provided by this Ordinance. (If TKN is the regulated or measured parameter instead of Ammonia Nitrogen, any discharge of TKN in excess of 40 mg/l shall be subject to surcharge as provided by this Ordinance.)
- 11 Any discharge of FOG (T) in excess of 100 mg/l shall be subject to surcharge as provided by this Ordinance.

The IMC and daily maximum limits listed above in this Section 6.01(B)(1) (or as listed elsewhere in this Ordinance or in any User Permit or Order) for each pollutant parameter are the concentrations which may not be exceeded and at which enforcement begins. The surcharge threshold concentrations as specified in notes 6, 7, 8 and 10 (above) are the concentrations above which surcharges may be imposed. Discharges exceeding the surcharge thresholds, and which also exceed the instantaneous maximum and daily maximum limits (or which violate any other applicable prohibitions, limitations, standards, or requirements), are violations of this Ordinance, and are also subject to surcharges as provided by this Ordinance. All violations of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements constitute a violation of this Ordinance, subject to applicable fines, penalties and other enforcement actions. In no event shall the imposition of a surcharge for a discharge that does not meet the applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this Ordinance.

2. Any liquid, solid, gas or other pollutant (including, but not limited to, gasoline, benzene, naphtha, fuel or fuel oil) which by reason of its nature or quantity is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to persons, the POTW, or to the operation of the sewerage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using test methods specified in 40 CFR 261.21; and any pollutant which (alone or by interaction with other substances) causes an exceedance of 10 percent of the lower explosive limit (LEL) at any point within the POTW.
3. Pollutants that may cause corrosive structural damage to the POTW, or that due to their corrosive properties are capable of causing injury to persons or POTW personnel or harm to fish, animals or the environment. Discharges that

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have a pH lower than 6.5 s.u. (instantaneous minimum limit) or greater than 10 s.u. (instantaneous maximum limit) shall not be discharged.

4. Any solid, insoluble or viscous substance in concentrations or quantities which may cause obstruction to the flow in the POTW, may create an encumbrance to the POTW operations, or which otherwise may result in interference, including, but not limited to, grease, animal entrails or tissues, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes or tumbling and deburring stones; or any material that can be disposed of as trash.
5. Any pollutant, including, but not limited to, oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration that may cause pass through or interference with the POTW or constitute a slug loading, or is otherwise discharged to the POTW in excessive amounts.
6. Wastewater (or vapor) having a temperature that will inhibit biological activity in the POTW or result in interference, or heat in such quantities that the temperature at any lift station or at the CRWRRF exceeds 104° Fahrenheit (40° C). No discharge to the POTW shall have a temperature less than 40° Fahrenheit (4.4° C) or greater than 135° Fahrenheit (57.2° C), unless approved in advance by the Director.
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through.
8. Pollutants that result in the presence of gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems. This prohibition includes, but is not limited to, wastewaters which contain liquids, solids or gases that cause gases, vapors or fumes from the discharge to exceed 10% of the immediately dangerous to life and health (IDLH) concentration. Discharges that contain more than one pollutant that may contribute to fume toxicity shall be subject to more restrictive limitations, as determined necessary by the POTW. The more restrictive discharge limits shall be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge.
9. Substances that, either alone or by interaction with other substances, cause or substantially contribute to increases in sewer gas hydrogen sulfide levels above 10 parts per million vapor (ppmv) concentration in downstream collection system lift stations, manholes or sewers. If the Director determines that a User's discharge is in violation of this prohibition, the Director may require the User to take whatever actions are determined necessary and appropriate by the Director to reduce the concentration of sewer gas hydrogen sulfide levels to less than 10 ppmv.
10. Trucked or hauled pollutants, except those introduced into the system at discharge points designated by the POTW, subject to the prior approval of the Director and prior issuance of a User Permit.
 - a. The Director shall determine whether to allow the discharge of trucked or hauled pollutants based on the particular nature, character or quantity of the proposed discharge in accordance with the discharge prohibitions, limitations and requirements provided by this Section.
 - b. The Director may impose any conditions on the discharge determined necessary to ensure compliance with this Section, including, without limitation, conditions regarding the time, place, and manner of discharge, restrictions on the quantity and quality of the discharge, and sampling requirements.
 - c. The discharge shall not commence without prior notice to, and authorization from, the Director, and a representative of the POTW shall be present at all times during the discharge.
 - d. All trucked or hauled wastes to be discharged to the POTW must be accompanied by a completed waste manifest form signed by the permittee and the hauler as provided by the minimum requirements of this Section.

The permittee shall certify in writing on the manifest as to the source of all wastes in the load proposed to be discharged and that the wastes have been pretreated as required by applicable pretreatment standards and requirements. The hauler shall certify in writing on the manifest that the hauler has accepted no wastes other than those listed on the manifest. The manifest must be reviewed by the Director prior to commencing discharge of

- the load. Failure to accurately record every load, falsification of data, or failure to transmit the form to the Director for review prior to discharge shall constitute a violation of the permit and may result in revocation of the permit and/or the imposition of fines and penalties as provided by this Section.
- e. The permittee's discharge of hauled wastes shall be subject to sampling by the POTW at any time, including, without limitation, prior to and during discharge, at no cost to the POTW. The Director may require the permittee to refrain from, or suspend, discharging until the sample analysis is complete.
 - f. Trucked or hauled pollutants will be accepted only if transported to the POTW in compliance with state and federal hazardous waste and liquid industrial waste laws.
 - g. Each discharge of trucked or hauled pollutants will be accepted only after payment to the POTW of a trucked or hauled pollutant discharge fee as required by the Director. Additional fees and charges may also be assessed to cover the POTW's administrative, consulting and legal expenses, and any additional treatment, handling or inspection expenses incurred by the POTW in connection with the discharge. Any such additional fees shall be established, paid, and collected as provided for IPP fees by Section 22.02. This discharge fee and any other fees and charges as provided by this subsection shall be in addition to surcharges that are otherwise applicable to the discharge.
 - h. The discharge of septage waste is prohibited except at septage receiving stations as specifically designated by the Director, and subject to compliance with any additional regulations and requirements established by the Director.
- 11. Wastewater with color or light absorbency characteristics that may interfere with treatment processes or analytical determinations, including, without limitation, dye wastes and vegetable tanning solutions.
 - 12. Any garbage or other insoluble or solid material that has not been properly shredded or that has a specific gravity greater than 2.65. "Properly shredded" means shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW (or so as to otherwise not result in interference), with no particle greater than 1/2 inch in any dimension and no particle large enough to be retained by a standard no. 8 sieve.
 - 13. Solvent extractibles, including, without limitation, oil, grease, wax, or fat, whether emulsified or not, in excess of applicable local limits; or other substances that may solidify or become viscous (with a viscosity of 110% of water) at temperatures between 32° Fahrenheit and 150° Fahrenheit in amounts that may cause obstruction to the flow in sewers or other interference with the operation of the POTW.
 - 14. Soluble substances in a concentration that may increase the viscosity to greater than 10% over the viscosity of the water or in amounts that will cause obstruction to the flow in the POTW resulting in interference.
 - 15. Any substance that exerts or causes a high or unusual concentration of inert suspended solids, as determined by the Director, including, but not limited to, lime slurries, diatomaceous earth, and lime residues.
 - 16. Any wastewater that contains suspended solids of such character, quantity or concentration that special attention is required, or additional expense incurred, to process such materials at the POTW.
 - 17. Any substance that exerts or causes a high or unusual concentration of dissolved solids, including, but not limited to, sodium chloride or sodium sulfate.
 - 18. Any substance, including, but not limited to, noxious or malodorous liquids, gases, fumes, or solids, that either singly or by interaction with other wastes are sufficient to create a public nuisance, cause workplace conditions in violation of any applicable workplace health or safety standard, pose a hazard to life, sufficient to prevent entry into the sewers for maintenance and repair, or cause any hazardous or unsafe conditions for the general public.
 - 19. Anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, water-based paint with mercury biocides, and paint thinners.
 - 20. Any radioactive wastes or isotopes of a half-life or concentration that may exceed limits established by applicable local, state or federal laws, rules or regulations.

21. Any pollutant, substance, or wastewater that, either directly or indirectly, and either singly or by interaction with other pollutants, has a reasonable potential to cause or result in excess foaming during the treatment process. Excess foaming is any foam that, in the opinion of the Director, may interfere with the treatment process.
22. Any pollutant, substance, or wastewater that, either directly or indirectly, and either singly or by interaction with other pollutants, has a reasonable potential to cause or result in foam in the POTW's effluent.
23. Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard.
24. Any hazardous waste as defined by this Ordinance.
25. Any medical or infectious wastes, as defined by the MDEQ.
26. Any substance that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation, reuse or disposal, or otherwise interfere with the reclamation, reuse, or disposal process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under 40 CFR Part 503; under Section 405 of the Act; under the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; or any more stringent state or local regulations, as applicable.
27. Any unpolluted water, including but not limited to, non-contact cooling water, air-conditioning water, swimming pool water, storm water, surface water, groundwater, roof runoff, and surface or subsurface drainage (except to a storm sewer as authorized by this Ordinance and other applicable local, state, and federal laws and regulations, and subject to the prior approval of the Director and the MDEQ).
28. Any contaminated groundwater or landfill leachate determined by the POTW to have a reasonable potential to adversely affect the operation of the POTW, to result in pass through or interference, or to violate any pretreatment standard or requirement.
29. Any substance that will cause the POTW to violate its NPDES permit, the receiving water quality standards, or associated local, state or federal laws, rules or regulations.
30. Any substance in quantities that contribute to a high chlorine demand, including, but not limited to, nitrite, cyanide, thiocyanate, sulfite and thiosulfate.
31. Any wastewater that exceeds applicable categorical pretreatment standards, requirements or limits prescribed by local, state or federal laws, rules or regulations.
32. Any compatible or incompatible pollutant in excess of the allowed limits as determined by applicable local, state or federal laws, rules or regulations.
33. Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any person's wastewater or air pollutants.
34. Residue (total on evaporation) in an amount that will cause obstruction to the flow in the POTW resulting in interference.
35. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment to only such degree that the CRWRRF effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
36. Any nondomestic wastewater before the POTW has approved a Notice of Intent submitted according to Section 8.08.

37. Waste not typically discharged to a sanitary sewer system unless specifically authorized by the POTW pursuant to policies and procedures established by the Director and subject to limitations set forth in this Ordinance.
 38. Any mass, concentration or volume of a substance in excess of the amount allowed in a User Permit.
 39. Any discharge with an average daily flow greater than 2% of the POTW's average daily wastewater flow, or having a rate of flow (gallons per day) greater than 10% of the POTW's average daily wastewater flow for a period of one (1) hour or more, except with the prior review and approval of the POTW.
 40. Any discharge with detectable levels of a fungicide, herbicide, or pesticide.
 41. Except as otherwise specifically provided by Section 6.01(B)(10)(h) for trucked septage waste, any discharge from a septic tank, cesspool, subsurface disposal facility, or other private sanitary sewer system.
 42. Any pollutant, substance, or wastewater that, either directly or indirectly, and either singly or by interaction with other pollutants, has a reasonable potential to:
 - a. create a chemical reaction with any materials of construction to impair the strength or durability of sewer structures;
 - b. cause a mechanical action that will damage or destroy sewer structures;
 - c. impede or restrict the hydraulic capacity of the POTW;
 - d. cause or result in turbidity, color, excessive odor, oil films, floating solids, settleable solids or deposits in the POTW's effluent;
 - e. interfere with normal inspection or maintenance of sewer structures;
 - f. place unusual demands upon the wastewater treatment equipment or processes by biological, chemical or physical means; or
 - g. cause a hazard to human life or create a public nuisance.
- C. Special Alternative Limits. Notwithstanding the Standard Concentration Limits provided by Section 6.01(B)(1), the POTW may, but shall not be required to, develop alternative maximum concentration or mass-based limits for specific pollutants for a specific user ("Special Alternative Limits" or "SAL"), as provided by this Section 6.01(C) and the written SAL procedures established by the CWWRRF as part of the CWWRRF's approved IPP.
1. Requests by users to develop a SAL for one or more pollutants shall be made in writing to the Director.
 2. After reviewing a request, the Director may require the user to submit any additional information that the Director determines will be necessary to adequately evaluate the user's request. This information may include, but shall not be limited to, any of the information that is required to be provided in a user permit application as set forth in Section 7.04 of this Ordinance.
 3. The Director may require a review of historical data from sampling and monitoring the user's discharge, including, but not limited to, concentration and flow data. The user may be required to update this data using any means or methods determined necessary by the Director. The Director may also require a review of typical discharge concentrations and flows for similar users, and any applicable categorical standards.
 4. A site inspection may be required if deemed necessary by the Director.
 5. The Director shall review the status of the CWWRRF's current MAHL and MAIL for the pollutant for which the SAL is being requested to determine if sufficient loading remains to accommodate all, any part, or none, of the requested SAL.

6. The Director shall also review whether the pollutant for which the SAL is being requested is, or should be, subject to a Collection System Limitation.
 7. If determined necessary by the Director, the Director may require that an updated MAHL study be conducted to determine whether there is sufficient loading capacity to accommodate a proposed SAL for the pollutant in question.
 8. After completing the review of a proposed SAL, the Director may approve, approve subject to conditions (including, but not limited to, required monitoring methods and frequencies), or deny the SAL, as determined appropriate by the Director; provided that no proposed or existing SAL shall: (1) significantly hinder the capacity of the POTW to accept additional waste from new or existing domestic or nondomestic customers; (2) result in an exceedance of the POTW's MAHL for the SAL pollutant; (3) result in an exceedance of the POTW's MAIL for the SAL pollutant; (4) have a discharge concentration (or equivalent discharge concentration if the SAL is a mass limit) that exceeds a Collection System Limitation applicable to the SAL pollutant (unless approved by the MDEQ); or (5) be approved or allowed to continue unless the Director has determined that the SAL is reasonable and appropriate under all of the circumstances, consistent with the purposes and objectives of this Ordinance, the CWWRRF's approved written SAL procedures, the Drainage District's NPDES permit, and other applicable laws and regulations. All SALs are subject to review and approval by MDEQ.
 9. If a SAL is approved, or approved subject to conditions, and the user accepts the SAL as approved, the Director may modify or reissue the user's discharge permit to incorporate the SAL in the permit.
 10. If the SAL involves a pollutant for which composite sampling is the required sample type as provided by this Ordinance or as otherwise required by applicable legal requirements, the user shall have (or install prior to implementation of the SAL) capabilities for flow-proportional composite sampling.
 11. The development of a SAL or implementation of a SAL in a user's discharge permit shall not convey to any person any property rights or privilege of any kind whatsoever, nor shall it be construed to authorize any injury to private or public property or any invasion of personal rights, or any violation of local, state or federal laws or regulations. A SAL may be reviewed, reevaluated, modified, and/or revoked without notice at any time and for any reason determined appropriate by the Director. At a minimum, all existing SALs shall be reviewed whenever the Drainage District's NPDES permit is subject to renewal.
 12. All costs and expenses, direct and indirect, associated with developing a SAL for a user shall be paid for by the user, including, but not limited to, the costs of reviewing the user's request for a SAL, all studies and reports, and all monitoring, sampling and generation of data; the full value of any POTW staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, and actual attorney fees (including the POTW's legal counsel and any special legal counsel), associated with developing the SAL for the user. At any time prior to, during, or after the SAL development process, the POTW may require a user that requests a SAL to post a performance bond (or other form of surety acceptable to the Director) sufficient to cover all costs and expenses (direct and/or indirect) that might reasonably be incurred by the POTW as a result of the user's request or implementation of an approved SAL, as determined necessary by the Director.
- D. Pollutant Reduction Plans. If the Director determines that a user has the reasonable potential to discharge any regulated pollutant (including, but not limited to, mercury or PCBs) to the POTW in quantities or magnitude that may cause interference or pass through; adversely impact the POTW, its processes or beneficial use of biosolids; cause noncompliance with applicable federal or state laws or regulations; cause the POTW to violate its NPDES permit, or otherwise fail to meet the purposes and objectives of this Ordinance, then the Director may require the user to develop, submit for approval, and implement a Reduction Plan ("RP") for the pollutant, as provided by this Section. The RP may be imposed as a condition to a User Permit, or may be required independently and even if a User Permit has not been issued to the user.
1. At a minimum, the RP shall contain such requirements and conditions, as determined necessary by the Director to ensure that the pollutant reduction efforts will be effective in achieving the goals of this Ordinance (including, but not limited to, requirements and conditions regarding user source identification; best management practices; schedules of compliance; monitoring, sampling and analysis; reporting; treatment system for removal of the pollutant from the discharged wastewater; written procedures for disposal of contaminated wastes and wastewater; employee training, and on-going employee training requirements regarding pollutant related issues; elimination, if feasible, of any purchased materials containing the pollutant; and any other elements determined necessary and appropriate under the circumstances by the Director).

2. The goal of an RP shall be to maintain the amount of one or more pollutants or substances at or below the applicable discharge limits or levels, or such other goals as required by the POTW. The Director may, in the Director's sole discretion, consider cost-effectiveness during the development and implementation of an RP.
3. The Director may require any user to submit an RP that describes the control strategy designed to proceed toward achievement of the specified goal and shall at a minimum include, but shall not be limited to, all of the following as determined necessary by the Director on a case-by-case basis:
 - a. Periodic monitoring for the pollutant in the user's discharge.
 - b. Periodic monitoring of the potential sources of the pollutant in the user's discharge.
 - c. A commitment by the user that reasonable control measures and/or best management practices will be implemented when sources of the pollutant are discovered. Factors to be considered by the POTW may include the following:
 - i. Significance of sources.
 - ii. Economic considerations.
 - iii. Technical and treatability considerations.
 - iv. Such other factors as determined appropriate by the Director.
 - d. An annual status report. The report shall be sent by the user to the POTW and shall include, at a minimum, all of the following:
 - i. All RP monitoring results for the previous year.
 - ii. A list of potential sources of the pollutant in the user's discharge.
 - iii. A summary of all actions taken by the user to reduce or eliminate the identified sources of the pollutant or substance.
4. As determined necessary by the Director, the Director may require a user to develop, submit and implement an RP for any pollutant or substance regulated by this Ordinance. The Director may also modify an approved RP at any time as determined necessary by the Director to meet the goals and objectives of this Ordinance.
5. Failure to submit an approvable RP within the specified deadlines or to fully and timely comply with any condition or requirement of an approved RP shall constitute a violation of this Ordinance, subject to the fine, penalty, and other enforcement provisions of this Ordinance.
6. Holding enforcement action in abeyance. Except as provided for in Section 6.01(D)(6)(c)(iv) and (vi), if the effluent sample analysis results of a user's discharge exceeds the applicable discharge limit, detection level, or quantification level for a pollutant, the Director may, in the Director's sole discretion, nevertheless allow that discharge to continue and may hold any enforcement action regarding the prohibited discharge in abeyance, subject to the terms, conditions, and requirements of this Section 6.01(D)(6), as follows:
 - a. If an approved RP is already in place: If effluent sample analysis results exceeds the applicable discharge limit, detection level, or quantification level for a pollutant for which an approved RP is already in place, then the Director may, in the Director's sole discretion, nevertheless allow that discharge to continue and may hold any enforcement action regarding the prohibited discharge in abeyance for the period that the sample represents if the RP (and all terms, conditions and requirements thereof) is being fully and continually performed in good faith by the user, as determined by the Director, and subject to all of the requirements and conditions of Section 6.01(D)(6)(c).
 - b. If an approved RP is not already in place: If effluent sample analysis results exceeds the applicable discharge limit, detection level, or quantification level for a pollutant for which an approved RP is not already in place, then the Director may, in the Director's sole discretion, nevertheless allow that discharge to continue and may hold any enforcement regarding the prohibited discharge in abeyance, subject to all of the requirements and conditions of Section 6.01(D)(6)(c), and provided further as follows: The user with the non-compliant discharge shall

develop and implement an RP approved by the Director to minimize the user's discharges of the pollutant in question to the POTW. The RP shall meet all of the requirements of this Section 6.01(D).

- c. The following requirements and conditions shall apply to any situation under this Section 6.01(D)(6) in which an enforcement action is held in abeyance as provided by this subsection (regardless of whether or not an RP was in place at the time of the non-compliance):
 - i. The user with the non-compliant discharge shall have a POTW-accessible point for monitoring all discharges from the user to the POTW, as approved by the POTW. All costs and expenses for and related to the installation and maintenance of this monitoring point and any required sampling devices shall be paid for solely by the user.
 - ii. The user with the non-compliant discharge shall routinely self-monitor its discharges to the POTW for the pollutant in question using the sampling methods, procedures, preservation and handling, and analytical protocol required by the Director and at the frequency specified by the Director. All costs and expenses of this sampling and analysis shall be paid for solely by the user.
 - iii. The POTW may collect any additional samples of the user's discharge as determined necessary by the Director, all costs and expenses to be paid for by the user.
 - iv. If the user complies with all of the requirements and conditions for the RP as specified by the Director; and if the Director determines that all reasonable and cost-effective actions based on the economic, technical, and treatability considerations, including, but not limited to, all elements of the user's RP, have been, and continue to be, fully and satisfactorily implemented by the user; and if the user's discharge does not cause interference or pass through; adversely impact the POTW, its processes or beneficial use of biosolids; cause noncompliance with applicable federal or state laws or regulations; cause the POTW to violate its NPDES permit, or otherwise fail to meet the purposes and objectives of this Ordinance, then the Director may, in the Director's sole discretion, hold enforcement action in abeyance and allow the user to continue the non-compliant discharge.
 - v. Notwithstanding any provision of this Section 6.01(D)(6) to the contrary, and regardless of whether a user fully complies with all requirements and conditions of this Section and/or of an approved RP, the Director shall have the unconditional right to prohibit and terminate any non-compliant discharge at any time and without prior notice, and to take any enforcement action in response thereto, including any enforcement action that had previously been held in abeyance under this Section 6.01(D)(6).
 - vi. Notwithstanding any provision of this Section 6.01(D)(6) to the contrary, the Director shall not hold an enforcement action in abeyance as provided by this subsection for any pollutant parameter other than mercury and PCBs unless the Director has first obtained approval from the MDEQ to implement the requirements of this Section 6.01(D)(6) for the specific pollutant parameter in question.

Section 6.02. Pretreatment Standards and Requirements

- A. Compliance with applicable standards and requirements. The national categorical pretreatment standards as established for specific industries under 40 CFR chapter I, subchapter N are hereby made a part of the requirements of this Ordinance in accordance with federal and state laws and regulations and are incorporated by reference as if fully set forth in this Ordinance. A user shall comply with all categorical pretreatment standards and any other pretreatment requirements established under the Act that are applicable to that user. A user shall also comply with all other applicable pretreatment standards and requirements established under this Ordinance or under state and federal laws and regulations.
- B. Deadlines for compliance. Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified by 40 CFR chapter I, subchapter N. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to Section 301(i)(2) of the act shall be required to meet compliance dates set in any applicable categorical standard. Existing sources that become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of "new source." New sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards

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and requirements before beginning to discharge. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable pretreatment standards and requirements.

- C. Alternative categorical limits. Categorical pretreatment standards shall apply to a user subject to categorical standards, unless an enforceable alternative limit to the corresponding national categorical standards is derived using any of the methods specified in MAC R 323.2313 (regarding removal credits, fundamentally different factor variances, net/gross calculations, equivalent mass per day limitations, and combined wastestream formula alternative limitations). The use of any alternative categorical limit shall be subject to the prior approval of the Director. If local limits are more stringent than derived alternative categorical limits, the local limits shall control. All costs incurred by the POTW in determining or applying an alternative limit shall be reimbursed to the POTW by the user.
- D. Compliance with other applicable laws and regulations. Users of the POTW shall comply with all local, state, and federal laws and regulations that may apply to their discharges to the POTW, including, but not limited to, Article II, Air Pollution Control, Part 55 of Act 451 of the Public Acts of Michigan of 1994 (the Natural Resources and Environmental Protection Act).
- E. All discharge limits contained in this Ordinance shall apply to that portion of the building sewer emanating from a single building or from each separate use located within a building, as applicable, or except as otherwise required by this Ordinance for significant industrial users or categorical users. Compliance with pretreatment standards or local discharge limits prescribed by this Ordinance shall be determined based on each separate discharge to the common building sewer prior to commingling with discharges from other sources, except as otherwise approved in advance by the Director.

Section 6.03. Right of Revision

Notwithstanding any other provision of this Ordinance to the contrary, the Director reserves the right to establish more restrictive prohibitions, limitations, standards or requirements for discharges to the POTW to prevent interference or pass through, to protect the POTW, to comply with applicable federal or state laws or regulations, to comply with the Drainage District's NPDES permit, or as otherwise determined necessary by the Director.

Section 6.04. POTW's Right to Refuse or Condition Discharge

The POTW may refuse to accept, or may condition its acceptance of, all or any portion of any proposed or existing discharge to the POTW from any person, regardless of whether or not a User Permit has been issued for the discharge, if the Director determines that the discharge has a reasonable potential to: adversely affect the operation of the POTW; result in pass through or interference; violate any pretreatment standard or requirement; cause the POTW to violate its NPDES permit; or if the impacts of the discharge on the POTW or the POTW's discharge are uncertain or unknown (because, for example, no local limits or headworks analysis has been conducted for particular pollutants in the discharge). If the Director denies any person permission to commence or continue all or any portion of a discharge to the POTW, the person shall refrain from commencing to discharge or shall immediately terminate the discharge to the POTW and shall not thereafter recommence discharge without written authorization from the Director. Similarly, if the Director denies any person permission to commence or continue all or any portion of a discharge to the POTW except subject to conditions determined necessary and appropriate by the Director, the person shall refrain from commencing or continuing the discharge except in full compliance with those conditions. This includes, but is not limited to, the POTW's right to revise or revoke User Permits.

Section 6.05. Most Restrictive Standards and Requirements Apply

Notwithstanding any provision of this Ordinance to the contrary, the most stringent or restrictive standard or requirement applicable to a user's discharge shall control, whether established by this Ordinance, by any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this Ordinance, by other local laws or regulations (including, but not limited to, the Local Unit's plumbing code), by state laws or regulations, including the Drainage District's NPDES permit, or by federal laws or regulations. Further, if local, state, or federal laws or regulations provide for standards and requirements not covered by this Ordinance that are otherwise applicable to a user's discharge, those standards and requirements shall apply to the user in addition to those required by this Ordinance, and the most restrictive of those additional standards or requirements shall control and shall be complied with by the user immediately or within the time period specified by the law or regulation.

Section 6.06. Dilution Prohibited as Substitute for Treatment

Unless expressly authorized to do so by an applicable pretreatment standard or requirement and subject to the prior approval of the Director, no user shall ever increase the use of process water, mix separate wastestreams, or in any other way attempt to dilute, thin, or weaken a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a federal, state, or local standard, requirement or limitation. The POTW may impose mass limitations on Nondomestic Users that are using dilution to meet applicable pretreatment standards or requirements and in other cases where the imposition of mass limitations is appropriate. No user intending to use dilution as a substitute for treatment shall do so without the prior approval of the Director consistent with the requirements of this Section.

Section 6.07. Discharge Prohibited Without Required Approvals, Permit, and Treatment.

Except as otherwise expressly permitted by local, state and federal laws and regulations, and subject to obtaining all required permits and approvals from governmental agencies (including, without limitation, the WRC, the Director, the Local Unit, the MDEQ, and EPA) and providing any required treatment, it shall be unlawful to discharge, or permit or cause to be discharged, either directly or indirectly:

- A. Polluted water, sewage, or wastewater to any natural outlet within the Local Unit, to any waters of the State (or waters of the United States), or to any public sewer; or
- B. Unpolluted water of any kind, including, without limitation, storm water, surface water, groundwater, roof runoff, artesian well water, drainage water (surface or subsurface), industrial non-contact cooling water, air-conditioning water, swimming pool water, or unpolluted industrial process waters to any public sanitary sewer; provided that stormwater runoff from limited areas that may be polluted at times, may be discharged to a public sanitary sewer if approved in advance by the Director.
- C. No person shall connect (or allow to remain connected) roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer. The Director shall order any such connection to be permanently disconnected at the property owner's expense, and if the property owner refuses to obey the Director's order, then the Director shall cause the connection to be disconnected and the costs shall be charged to the property owner.

Section 6.08. Discharge Prohibited Except Through Approved Sewer Connection.

All discharges of Covered Discharges to a public sewer shall be through an approved sewer connection or at another discharge point expressly approved by the Director and the Local Unit in accordance with this Ordinance and with any rules, regulations, or procedures established by the Director and the Local Unit as determined necessary by the Director or the Local Unit to administer and implement this Ordinance. No person shall discharge any wastewater, waste, pollutants, or other substances into a public manhole, catch basin, or inlet.

DIVISION 7. USER PERMITS**Section 7.01. User Permit Required**

- A. Nondomestic User Permits. It is unlawful and prohibited for any significant industrial user (SIU), or any other user as determined necessary by the Director to carry out the purposes of this Ordinance, to discharge to the POTW without a Nondomestic User Permit as provided by this Section.
- B. General User Permits. The Director may require any person other than a SIU to obtain a General User Permit to discharge to the POTW (including, but not limited to, any local unit that discharges to the POTW), subject to such terms and conditions as are determined necessary and appropriate by the POTW to achieve the purposes, policies, and objectives of this Ordinance.
 - 1. A General User Permit may contain, but shall not be required to contain, any of the terms and conditions that would apply to a Nondomestic User Permit issued to a SIU as provided by this Section to comply with the general and specific discharge prohibitions of this Ordinance, including, but not limited to, discharge limitations, and requirements regarding sampling and monitoring; pretreatment; pollution prevention, minimization or reductions plans; accidental

discharge, spill prevention, and containment requirements; flow equalization; and implementation of best management practices or a best management practices plan.

2. To the extent determined appropriate by the Director on a case-by-case basis, a General User Permit issued under this Subsection shall be subject to provisions otherwise applicable to permits for SIUs. However, all General User Permits shall be non-transferable, and are subject to the permit fee and permit appeals provisions of this Ordinance.
 3. It is unlawful and prohibited for any person required by the Director to obtain a General User Permit to discharge to the POTW without a General User Permit as provided by this Section.
 4. Failure to comply with a General User Permit issued under this Subsection constitutes a violation of this Ordinance.
 5. In no case shall a General User Permit be construed to authorize the illegal discharge or otherwise excuse a violation of this Ordinance.
- C. Notwithstanding any provision of this Ordinance to the contrary, if determined necessary by the Director to achieve the goals and purposes of this Ordinance, the Director may issue a User Permit to any person without first requiring the person to submit or complete a permit application.
- D. Any violation of the terms or conditions of a User Permit is a violation of this Ordinance, subject to the fine, penalty, and other enforcement provisions of this Ordinance. Obtaining a User Permit shall not relieve a person of the obligation to obtain other permits or approvals that may be required by other local, state or federal laws or regulations.
- E. The issuance of a User Permit shall not convey to any person any property rights or privilege of any kind whatsoever, nor shall it be construed to authorize any injury to private or public property or any invasion of personal rights, or any violation of local, state or federal laws or regulations.

Section 7.02. Determination Of User Status

- A. The Director may require any person to submit information to the POTW for the Director's use in determining the person's status as a user, including, but not limited to, whether the user is a SIU, as well as to determine changes or the absence or inadequacy of changes in a user's facilities.
- B. The Director shall notify a Nondomestic User of the Director's belief that the user is, or may be, a SIU, or is otherwise required to obtain a permit to discharge. Upon such notification, the user must complete and submit an application for a Nondomestic User Permit on a form furnished by the Director. The failure of the Director to so notify a Nondomestic User shall not relieve any SIU of the duty to obtain a permit as required by this Ordinance.
- C. Upon determination that a User Permit is required, no connection to the POTW shall be made and no discharge thereto shall occur until a permit is duly issued; provided, however, that the Director may, in the Director's sole discretion, issue a written authorization in place of a permit, which authorization shall be valid for a period not to exceed 60 days.

Section 7.03. Permit Application Deadlines

Each user must file an application for a User Permit on the form provided by the Director within the following deadlines:

- A. Existing SIUs: Any SIU discharging into the POTW as of the effective date of this Ordinance shall submit a completed permit application form to the Director as provided by this Section within 60 days of being so directed and provided a form by the Director.
- B. Proposed New SIUs: Any SIU proposing to commence (or recommence) discharging into the POTW after the effective date of this Ordinance shall, at least 60 days prior to the anticipated date on which discharging will commence (or recommence), request a permit application form and submit the completed application to the Director.
- C. Categorical Users Subject to New Standard: A user which becomes subject to a new or revised national categorical pretreatment standard, and which has not previously submitted an application for a permit as required herein, shall apply to the Director for a Nondomestic User Permit within 90 days after the promulgation of the applicable national categorical

pretreatment standard. The Director may also initiate this action; however, the failure of the Director so to do shall not relieve a user of its obligation to obtain a permit.

- D. Other users: Any other user directed by the Director to complete and submit a User Permit application shall do so within 60 days of being so directed by the Director and provided a form by the Director. Any user not required to obtain a User Permit for existing discharges must apply for and receive a User Permit prior to changing the user's discharge in such a manner that the resulting discharge would require a User Permit.

The Director may also require any other person to file the information required by Section 7.04 of this Ordinance (whether or not that person is currently a user, and whether or not that person is otherwise currently discharging to the POTW, a storm sewer, or receiving waters), if the Director determines that there is a reasonable potential for the person to discharge to the POTW, a storm sewer, or receiving waters, whether due to an accidental spill or for any other reason. Any person directed by the Director to submit the required shall do so within the time frame as directed by the Director.

The failure or refusal of any person to submit or complete a permit application shall not in any way relieve the person from the duty to comply with a permit issued by the Director. In no case shall the receipt or non-receipt of a completed permit application prevent the issuance of a permit by the Director or relieve a person from the duty of fully complying with a permit that is issued by the Director.

Section 7.04. Permit Application Requirements

All users shall submit the information required by this Section on the User Permit application form supplied by the Director (or attached thereto) at a level of detail and in units and terms as determined necessary by the Director to adequately evaluate the application, accompanied by payment of a permit application review fee. A separate application and supporting documentation shall be submitted for each separate location for which a User Permit is required.

- A. The name, address, and location of the facility or premises from which discharge will be made, including the names of the owner(s) and operator(s) of the facility or premises.
- B. Corporate or individual name, federal employer identification number, address and telephone number of the applicant.
- C. Whether the user is a corporation, partnership, proprietorship, or other type of entity, and the name of the person(s) responsible for discharges by the user.
- D. Name and title of the local authorized representative of the user who will have the authority to bind the applicant financially and legally, and who is authorized by the applicant as its agent to accept service of legal process, and the address and telephone number of such representative.
- E. The Standard Industrial Classification (SIC) numbers of all processes at the location for which application is made, according to the Standard Industrial Classification Manual, as amended (or, if applicable, the North American Industrial Classification System (NAICS) designation).
- F. Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application, including, but not limited to, any pollutants that are limited or regulated by any federal, state, or local standards or requirements. The information provided for such parameters shall include all of the following:
 - 1. Pollutants having numeric or narrative limitations as provided by this Ordinance.
 - 2. Pollutants limited by National Categorical Pretreatment Standards regulations for similar industries.
 - 3. For each parameter, the expected or experienced maximum and average concentrations during a one-year period shall be provided.
 - 4. For industries subject to National Categorical Pretreatment Standards or requirements, the data required shall be separately shown for each categorical process wastestream and shall include all information required in Section 8.01(A) for a Baseline Monitoring Report.
 - 5. Combined wastestreams proposed to be regulated by the combined wastestream formula shall be specified.

6. Information regarding any other potential pollutants of concern, even if not limited by numeric or narrative limitations as provided by this Chapter or subject to National Categorical Pretreatment Standards or requirements.
- G. For purposes of information required by the application, sampling and analysis shall be performed in accordance with the following: Procedures established by U.S. EPA pursuant to Section 304 (g) of the Act and as contained in 40 CFR 136, as amended. If 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures in U.S. EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments or revisions thereto, or where appropriate and applicable, in accordance with any other sampling and analytical procedures approved by EPA, or as otherwise specified by the Director.
- H. A listing and description of the following: plant activities, plant facilities, and plant processes on the premises for which the permit is being applied. Processes which are subject to National Categorical Pretreatment Standards or requirements shall be so designated, and identification of which pollutants are associated with each process shall be stated.
- I. A listing of the type and amount of raw materials and chemicals (including material safety data sheets) that are either used in the manufacturing process or could yield the pollutants referred to in this Section. Any user claiming immunity from having to provide such information shall furnish proof of such immunity that is acceptable to the Director and in accordance with all applicable local, state, and federal laws and regulations.
- J. A statement containing information on the spill containment and prevention of Accidental/Spill Discharges program for each of the pollutants referred to in this Section. The information provided shall include the following:
 1. The approximate average and maximum quantities of such substances kept on the premises in the form of the following: (a) raw materials; (b) chemicals; and/or (c) wastes therefrom; and
 2. The containment capacity for each of the above items.

The following requirements apply for purposes of the spill containment and prevention statement required by this Subsection:

For raw materials, chemical solutions or waste materials that do not contain any substance on the Critical Materials Register promulgated by the MDEQ, only substances which are in a form which could readily be carried into the POTW and which constitute a concentration of 5% or greater on a dry weight basis in the raw material, chemical solution or waste material are required to be included in the statement. Volumes of less than 55 gallons or the equivalent need not be included unless lesser quantities could cause interference or pass through.

For raw materials, chemical solutions or waste materials that contain any amount of any substance on the Critical Materials Register promulgated by the MDEQ, the statement shall include the name of the substance and the expected concentration so that the Director can determine whether or not it may constitute a threat to the POTW if a spill occurs.

- K. The name and address of each laboratory performing analytical work for the user submitting the application.
- L. A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the 7 days of the week.
- M. Average and maximum 24-hour wastewater flow rates, including thirty (30) minute peak wastewater flow rates, and daily, monthly and seasonal variations, if any; and a list of each national categorical process wastestream flow rate and the cooling water and sanitary water flow rates separately for each connection to the POTW, and list showing each combined wastestream. All flows shall be measured unless other verifiable techniques are approved by the Director.
- N. A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW, storm sewer, or receiving waters.
- O. A flow schematic drawing showing which connections receive each national categorical process wastestream or other process wastestreams, and which connections receive storm water, sanitary water or cooling water.

- P. A schematic drawing showing which sewers handle each combined wastestream.
- Q. Each product produced by type, amount, process or processes and the rate of production as pertains to processes subject to production-based limits under national categorical standards or requirements shall be specified.
- R. Actual or proposed hours of operation of each pretreatment system for each production process.
- S. A description and schematic drawing showing each pretreatment facility, identifying whether each such facility is of the batch type or continuous process type.
- T. If other than potable water is used, identification of the user's source of intake water together with the types of usage and disposal method of each water source and the estimated wastewater volume from each source.
- U. A statement certified by a qualified professional regarding whether the requirements of this Ordinance and the national categorical pretreatment standards and requirements are being met on a consistent basis; and if not, what additional operation and maintenance work and/or additional construction is required for the user to comply with applicable standards and requirements.
- V. A list of all environmental permits (and, if requested by the Director, a copy of any environmental permit) held by the user applicable to the premises for which the User Permit is being sought.
- W. Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable federal, state, and local pretreatment standards and requirements. If additional O&M or additional pretreatment will be required to meet the applicable standards and requirements, then the user shall indicate the shortest time schedule necessary to accomplish installation or adoption of the additional O&M and/or pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - 1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (including, without limitation, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment referred to above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.
 - 2. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between submissions of the progress reports to the Director.
- X. If requested by the Director, a proposed sampling plan for one or more pollutant parameters that will be discharged by the user.
- Y. Any other information determined necessary by the Director to adequately evaluate the application. To the extent that actual data is not available for a new source, the applicant shall supply estimated or expected information.
- Z. All applications (and reapplications) shall be signed and certified by an "authorized representative" of the user as defined by this Ordinance. The information required to be submitted with an application, including but not limited to, drawings, schematics, and site plans, shall be prepared and signed by a qualified Michigan licensed engineer unless otherwise approved in advance by the Director.

Section 7.05. Permit Issuance, Denial, or Determination that Permit not Required

- A. The Director shall evaluate the application information furnished by a user and may require additional information as necessary to complete and properly review the application. No action shall be taken by the Director on an application (and the 120 day review period as provided by this subsection shall not begin to run) until the application is determined to be complete by the Director. Within 120 days after the submission of a complete application (unless the Director and the

applicant agree to extend this time period), the Director shall either issue a User Permit subject to terms and conditions provided by this Ordinance, deny the application, or determine that a permit is not required as provided by this Ordinance.

B. A User Permit may be denied by the Director:

1. If the Director determines that the proposed discharge, or continued discharge, will not comply with all applicable standards and requirements of this Ordinance;
2. If the user refuses, fails or declines to accept the terms and conditions of a permit as proposed to be issued by the Director;
3. For any reason that would support a suspension or revocation of the permit as provided by this Ordinance
4. If the Director determines that the POTW cannot adequately or reasonably treat the user's discharge (due to insufficient capacity, the quality or quantity of the pollutants, available POTW resources etc.);
5. If the Director is not satisfied that the user has not taken all reasonable steps to prevent, minimize or reduce pollutants in the user's discharge;
6. To prevent the discharge of pollutants into the POTW, singly or in combination with other pollutants, for which there is a reasonable potential, as determined by the Director, to:
 - a. Not meet applicable pretreatment standards and requirements;
 - b. Interfere with the operation of the POTW;
 - c. Pass through the POTW into the receiving waters or the atmosphere;
 - d. Inhibit or disrupt the POTW's processing, use, or disposal of sludge;
 - e. Cause health or safety problems for POTW workers; or
 - f. Result in a violation of the Drainage District's NPDES permit or of other applicable laws and regulations;
7. If the Director determines that there is not, or will not be, sufficient capacity available (in both wastewater volume and strength) for a proposed discharge in all downstream sewers, pump stations, interceptors, and force mains, including, but not limited to, adequate capacity to accept, treat, and dispose of BOD, TSS, or similar materials as required by applicable local, state, or federal laws, rules, or regulations; or
8. For any other reason determined by the Director as necessary and appropriate to protect the POTW or to meet the purposes and intent of this Ordinance.

Section 7.06. Permit Conditions

- A. User Permits shall be subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees established by the Director. Further, User Permits incorporate by reference all provisions, regulations, and requirements of the Ordinance without setting them forth in full therein.
- B. Nondomestic User Permits shall at a minimum include all of the conditions required by MAC 323.2306(a)(iii). In addition, User Permits shall include any conditions determined reasonably necessary by the Director to prevent pass through or interference, to protect the quality of the receiving waters, to protect worker health and safety, to facilitate POTW sludge management and disposal, to protect ambient air quality, to protect against damage to the POTW, or to otherwise achieve the objectives of this Ordinance, including, but not limited to, the following:
 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

2. Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.
3. Requirements for installation of pretreatment technology or construction of appropriate containment devices, or similar requirements designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
4. Development and implementation of slug discharge control plans, spill control plans, or other special conditions, including additional management practices necessary to adequately prevent accidental or unanticipated discharges.
5. Requirements for installation, maintenance, repair, calibration and operation of inspection and sampling facilities and discharge flow monitors.
6. Specifications for monitoring programs which shall include, but are not limited to, sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
7. Compliance schedules.
8. Requirements for submission of technical reports or discharge reports.
9. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director and affording the Director access to those records.
10. Requirements for notifying the Director if self-monitoring indicates a violation as provided by Section 8.04 of this Ordinance, and for repeat sampling and analysis as provided by Section 9.06 of this Ordinance.
11. Requirements for notification of any new introductions of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the POTW, including listed or characteristic hazardous waste for which the user has submitted initial notification under MAC R 323.2310(15).
12. Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee.
13. Requirements for notification of accidental or slug discharges, or discharges that exceed a discharge prohibition.
14. Requirements for notification and need for prior approval from the Director for any proposed change in a sampling location.
15. A statement regarding limitations on transferability of the permit.
16. A statement of the duration of the permit.
17. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable pretreatment standards and requirements, including those that become effective during the term of the permit.
18. Requirements for a written certification signed by the permittee that acknowledges that the permittee has read and fully understands all terms and conditions of the permit; and acknowledges that the permittee accepts all of the terms and conditions of the permit as written and accepts full responsibility for complying with the permit as approved.
19. A statement of applicable civil and criminal penalties for violation of discharge limitations, pretreatment standards and requirements, and compliance schedules.
20. Requirements regarding development by a user of a pollutant prevention, minimization or reduction plan (e.g., for mercury or PCBs) or requirements regarding use of best management practices to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants, or other substances to the POTW, or otherwise meet the purposes, policies and objectives of this Ordinance.

21. Requirements regarding development by a user of a sampling plan for one or more pollutant parameters to be approved by the Director.
22. Terms, conditions, and requirements for a SAL if a SAL has been approved for the user.
23. Other conditions as determined necessary by the Director to ensure compliance with this Ordinance and other applicable laws, rules and regulations.

If the Director determines that a user is discharging substances of a quality, in a quantity, or in a location that may cause problems to the POTW or the receiving stream, the Director has the authority to develop and enforce effluent limits applicable to the user's discharge.

Section 7.07. Permit Modifications

A User Permit may be modified by the Director at any time and for any reason determined necessary by the Director to assure compliance with the requirements of this Ordinance and other applicable laws and regulations, including, without limitation, any of the following reasons:

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements, or other applicable requirement of law or regulation.
- B. Material or substantial changes or additions to the permittee's operations, processes, or the character or quality of discharge that were not considered in drafting or issuing the existing permit. It shall be the duty of a user to request an application form and to apply for a modification of the permit within 30 days of any such change(s). The Director may modify a permit on the Director's own initiative based on its findings or upon reasonable cause to believe that any such change(s) has occurred or threatens to occur.
- C. A change in any condition in the permittee's discharge, facility, production or operations, or in the POTW, that requires either a temporary or permanent reduction or elimination of the permittee's discharge to assure compliance with applicable laws, regulations or the Drainage District's NPDES permit.
- D. Information indicating that the permitted discharge poses a threat to collection or treatment systems; the POTW's processing, use, or disposal of sludge; POTW personnel; or the receiving waters.
- E. Violation of any terms or conditions of the user's permit.
- F. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required report or notice.
- G. Revision of, or a grant of a variance from, applicable categorical standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the permit.
- I. To reflect transfer of the facility ownership and/or operation to a new owner or operator.
- J. To add or revise a compliance schedule for the permittee.
- K. To reflect changes or revisions in the Drainage District's NPDES permit.
- L. To ensure POTW compliance with applicable sludge management requirements promulgated by EPA.
- M. To incorporate any new or revised requirements resulting from reevaluation of the POTW's local limits.
- N. To incorporate a request for modification by the permittee, as determined appropriate by the Director and provided the request does not create a violation of any applicable requirement, standard, law, rule or regulation.

The permittee shall be informed of any changes in the permit at least 30 days prior to the effective date of the change, unless a shorter time is determined necessary by the Director to meet applicable laws, to protect human health or the environment, or to facilitate an enforcement action.

Section 7.08. Permit Duration

- A. Nondomestic User Permits shall be issued for a specified time period, not to exceed five years, subject to modification, reissuance, suspension or revocation as provided by this Section. At the sole discretion of the Director, a Nondomestic User Permit may be issued for a period less than five (5) years and may be stated to expire on a specific date.
- B. General User Permits may be issued for any time period determined appropriate by the Director, subject to modification, reissuance, suspension, or revocation as provided by this Section.

Section 7.09. Permit Reissuance

- A. To apply for reissuance of an existing User Permit, a user must submit a complete permit application to the Director accompanied by payment of an application fee at least ninety (90) days prior to the expiration of the user's existing permit (or at least 180 days prior to the expiration of a five (5) year permit). The application shall be submitted in a form prescribed by the Director. It shall be the responsibility of the user to make a timely application for reissuance.
- B. All User Permits issued to a particular user are void upon the issuance of a new User Permit to that user.

Section 7.10. Continuation of Expired Permits

An expired User Permit will continue to be effective until the permit is reissued only if: (a) the user has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit (or at least 180 days prior to the expiration date of a five (5) year permit); and (b) the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the user: provided, however, in no case may a permit continue for a period of more than five (5) years from the date of issuance. In all other cases, discharge to the POTW following expiration of a permit is unlawful.

Section 7.11. Permit Suspension and Revocation

User Permits may be suspended or permanently revoked by the Director for any reason determined necessary by the Director to assure compliance with the requirements of this Ordinance, the Drainage District's NPDES permit, or other applicable laws and regulations, including, without limitation, any of the following reasons:

- A. Falsifying self-monitoring reports.
- B. Tampering with monitoring equipment.
- C. Failure to allow timely and reasonable access to the permittee's premises and records by representatives of the POTW for purposes authorized by this Ordinance, including, without limitation, inspection or monitoring.
- D. Failure to meet effluent limitations.
- E. Failure to pay fines or penalties.
- F. Failure to pay sewer charges.
- G. Failure to pay permit fees.
- H. Failure to meet compliance schedules.
- I. Failure to comply with any term or condition of the permit, an order, the requirements of this Ordinance, or any final judicial order entered with respect thereto.
- J. Failure to comply with any reporting or notice requirement.

- K. Failure to disclose fully all relevant facts in the permit application or during the permit issuance process, or misrepresentation of any relevant fact at any time.
- L. Failure to complete a wastewater survey or the User Permit application.
- M. As determined by the Director, the discharge permitted by the permit has a reasonable potential to endanger human health or the environment and the threat can be abated only by suspension or revocation of the permit.

Upon suspension or revocation of a permit, a user shall immediately terminate its discharge to the POTW and shall not thereafter recommence discharge without further authorization from the Director as provided by this Ordinance. The Director may reissue a revoked permit upon a showing satisfactory to the Director that the permittee has corrected the violation or condition that led to the revocation. A person who has had a permit revoked may apply for a new permit.

Section 7.12. Limitations on Permit Transfer

- A. A User Permit is issued to a specific user for discharge from a specific facility and operation and shall not be assigned or transferred or sold to a new or different owner, operator, user, discharger, facility or premises, or to a new or changed facility or operation, without the prior written approval of the Director. If the transfer of a permit is approved, any succeeding transferee permittee must also comply with the terms and conditions of the existing permit. The Director may approve (but shall not be required to approve) the transfer of a permit only if all of the following conditions are met:
 - 1. The transferor (permittee) shall give at least 60 days advance notice to the Director of the proposed transfer of the permit (unless a shorter notice period is approved by the Director in advance). The notice shall include a written certification signed by the proposed transferee that (a) states that the transferee has no present intent to change the facility's operations and processes; (b) identifies the specific date on which the transfer is to occur; (c) acknowledges that the transferee has read and fully understands all terms and conditions of the permit; and (d) acknowledges that the transferee accepts all of the terms and conditions of the permit as written and accepts full responsibility for complying with the existing permit if the transfer is approved. If any change in the facility's operations is anticipated, the transfer shall not be approved and a new permit must be obtained by the proposed transferee.
 - 2. As of the date of the proposed transfer, there are no outstanding violations of the permit, and there are no unpaid charges, fines, penalties or fees of any kind due to the POTW from the transferor or the transferee related to use of the POTW.
 - 3. Except as to the identity of the new discharger (the transferee), the application materials for the permit to be transferred as originally filed by the transferor, as well as the terms and conditions of the permit itself, are completely accurate with respect to, and fully applicable to, the discharge, facilities, and activities of the transferee.
 - 4. The permit transfer fee as established by the Director has been paid to the Director.
- B. If the transfer of a permit is approved and the permit transfer fee has been paid to the Director, the Director shall make the necessary minor modifications to the permit to show the transferee as the permittee, and a copy of the permit shall be provided to the transferee for signature and certification by the transferee as provided by Section 8.11 of this Ordinance. The transferor (permittee) shall remain liable for any discharges to the POTW from the facility (along with any other persons actually discharging from the facility to the POTW) until a transfer of the permit has been approved as provided by this Section.
- C. This Section is not intended to, and shall not be construed to, limit in any way the transfer of ownership of the property involved.
- D. Any attempt to transfer a User Permit that does not comply with the requirements of this Section renders the permit void as of the date of the invalid transfer.

Section 7.13. Duty to Provide Information

Users shall furnish to the Director any available information that the Director requests to determine whether cause exists for modifying, revoking and reissuing, or terminating a User Permit, to determine compliance with a permit, to determine whether a permit is required, or as otherwise determined necessary by the Director. Users shall also, upon request, furnish to the Director

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copies of any records required to be kept by a permit. The information and records requested by the Director shall be provided by the user to the Director within twenty-four (24) hours of the request, unless an alternative time frame is specified by the Director when making the request or unless the Director allows additional time for the user to submit the requested information based on a showing by the user of good cause for any delay. The user's failure to submit the requested information to the Director within twenty-four (24) hours (or within any alternate time period approved by the Director as provided by this Section) shall constitute a violation of this Ordinance.

Section 7.14. Permit Appeals

Except as otherwise provided by this Section, an appeal to the Wastewater Board of Appeals ("WBA") of any final decision made by the Director in connection with issuing or implementing a User Permit shall be governed by Division 18 of this Ordinance. An appealing party must specify in its notice of appeal the action of the Director being appealed and the grounds for the appeal. If a particular permit provision is objected to, the notice of appeal must specify the reasons for the objection, and the alternative provision, if any, sought to be placed in the permit. The effectiveness of a permit or any final decision made by the Director shall not be stayed pending a decision by the WBA. If, after considering the record on appeal including any statements provided by the Director in response to the appeal, the WBA determines that a permit or any provision of a permit should be reconsidered, the WBA shall remand the matter to the Director for further action as determined appropriate by the WBA. Specific provisions of a permit that are remanded by the WBA for reconsideration by the Director shall be stayed pending further final action taken by the Director as required by the decision of the WBA. A decision of the WBA not to remand any matter shall be considered final administrative action for purposes of judicial review.

Section 7.15. Permits Not Stayed

Except as otherwise expressly provided by Section 7.14, no action taken or request filed by any permittee shall operate to stay the effect of any permit or of any provision, term or condition of any permit, including, without limitation, a request for permit modification, reissuance, or transfer, or a notification of planned changes or anticipated noncompliance.

Section 7.16. Permit Fees

User Permit fees shall be established, paid, and collected as provided by this Section and Section 22 of this Ordinance.

DIVISION 8. REPORTING AND NOTICE REQUIREMENTS

All users shall comply with the minimum reporting and notice requirements provided by this Section, as follows:

Section 8.01. Reports By Nondomestic Users Regarding Categorical Pretreatment Standards and Requirements

- A. **Baseline Monitoring Reports.** Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under MAC R 323.2311(2) whichever is later, an existing Nondomestic User subject to the categorical pretreatment standards and that currently discharges or is scheduled to discharge to the POTW shall submit a report to the Director as required by MAC R 323.2310(2). At least 90 days prior to commencement of discharge, new sources, and sources that become Nondomestic Users subsequent to the promulgation of an applicable categorical pretreatment standard shall submit the reports to the Director as required by MAC R 323.2310(2). Any changes to the information required to be submitted by a Nondomestic User pursuant to MAC R 323.2310(2)(a) through (e) shall be submitted by the user to the Director within 60 days of when the user becomes aware of the change.
- B. **Reports on Compliance with Categorical Pretreatment Standard Deadline.** Within 90 days following the date for final compliance with applicable categorical pretreatment standard or, in the case of a new source, following commencement of the discharge to the POTW, any Nondomestic User subject to categorical pretreatment standards and requirements shall submit the reports to the Director required by MAC R 323.2310(3).
- C. **Periodic Reports on Continued Compliance.** Any Nondomestic User subject to a categorical pretreatment standard, after the compliance date of the categorical pretreatment standard, or, in the case of a new source, after commencement of the discharge into the public sewer or POTW, shall submit the periodic reports to the Director required by MAC R 323.2310(4). These periodic reports shall be submitted at least once every six (6) months (during the months of June and December

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unless alternate months are approved by the Director), unless required more frequently by the applicable pretreatment standard, by the Director, or by the State. The reports shall include a record of all average and maximum daily flows during the prior six (6) month reporting period, except that the Director may require more detailed reporting of flows. All flows shall be reported on the basis of actual measurement unless the Director agrees, due to cost or infeasibility, to accept verifiable estimates of the average and maximum flows estimated using techniques approved by the Director. If approved by the Director, the combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Director, provided there has been no change to the elements composing the combined wastestream. The results of sampling of the discharge and analysis of pollutants appearing in the report shall be cross-referenced to the related flow and mass to determine compliance with National Categorical Pretreatment Standards. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the user.

Section 8.02. Reports Required for Nondomestic Users Not Subject to Categorical Pretreatment Standards

- A. All Nondomestic Users not subject to categorical pretreatment standards shall submit to the Director periodic reports providing information regarding the quality and quantity of wastewater and pollutants discharged into the POTW (including, without limitation, information regarding the nature, concentration (or mass), and flow of the discharge). These reports shall be based on sampling and analysis performed in the period covered by the report in accordance with the sampling, analysis, and monitoring requirements provided by Division 9 of this Ordinance (except that historical sampling data shall not be used for the periodic compliance reports required by this Section 8.02).
- B. For Significant Industrial Users, the reports shall be submitted at least once every six (6) months for the preceding six (6) months (during the months of June and December unless alternate months are specified by the Director), unless required more frequently by the Director.
- C. If required by the Director for Nondomestic Users other than Significant Industrial Users, the reports shall be submitted at least once every twelve (12) months for the preceding twelve (12) months (during the month of October unless an alternate month is specified by the Director), unless required more frequently by the Director.
- D. The reports for all Nondomestic Users shall be submitted on forms provided by (or in a format required by) the Director, and shall include, without limitation, the volume of wastewater; the concentration of pollutants; the names of all person(s) responsible for operating and maintaining any pretreatment equipment, pretreatment processes, or responsible for wastewater management at the user's facilities, with a brief description of each person's duties; information regarding materials or substances that may cause interference or pass through; and any other information deemed necessary by the Director to assess and assure compliance with applicable discharge requirements or to safeguard the operation of the POTW.

Section 8.03. Notice by User of Potential Problems

All Nondomestic Users, whether or not subject to categorical pretreatment standards, shall notify the Director immediately by telephone of all discharges by the user that could cause problems to the POTW, including, without limitation, accidental discharges, slug loadings, discharges of a non-routine, episodic nature, non-customary batch discharge, or discharges that exceed a discharge prohibition or limitation provided by this Ordinance. The notification shall include available information regarding the location of the discharge, its volume, duration, constituents, loading and concentrations, corrective actions taken and required, and other available information as necessary to determine what impact the discharge may have on the POTW. A detailed written report providing the same and any additional available information (including specifying the measures that will be taken by the user to prevent similar future discharges) shall also be provided by the user to be received by the Director within five (5) days of the incident.

Section 8.04. Notice by User of Violation of Pretreatment Standards

If sampling performed by a Nondomestic User indicates a violation, the user shall notify the Director within twenty-four (24) hours of becoming aware of the violation (and shall comply with other applicable requirements provided by Section 9.06 regarding repeat sampling and analysis).

Section 8.05. Notice by User of Changed Discharge or Change in User Status

- A. A Nondomestic User shall promptly notify the Director in advance of any substantial change in the volume or character of pollutants in its discharge, or of any facility expansion, production increase, or process modifications that could result in a substantial change in the volume or character of pollutants in its discharge.
- B. For purposes of this Section, “promptly” means as soon as reasonably possible, but in no event less than 60 days before the change.
- C. For purposes of this Section, “substantial change” includes, without limitation, any of the following:
 - 1. The discharge of any amount of a pollutant not identified in the user’s permit application or in the permit issued.
 - 2. An increase in concentration (or degree) of any pollutant that exceeds 10% of the concentration (or degree) for the pollutant as indicated in any report required under Section 8.01 or Section 8.02;
 - 3. An increase in discharge volume that exceeds 20% of the volume as indicated in any report required under Section 8.01 or Section 8.02.
 - 4. Any increase in the amount of any hazardous wastes discharged, including, without limitation, the hazardous wastes for which the user has submitted initial notification under Section 8.06 of this Ordinance.
 - 5. The discharge of any ground waters purged for a removal or remedial action.
 - 6. The discharge of any pollutants that are present in the discharge due to infiltration.
 - 7. A change in discharge that may convert a Nondomestic User into a Significant Industrial User, or a Nondomestic User into a Categorical User.
 - 8. A change in discharge that would cause a change in the categorical standards that apply to the user.
- D. In determining whether to accept any changed discharge, or, if so, under what conditions, the Director shall evaluate the changed discharge pursuant to the general and specific discharge prohibitions under Section 6.01 and other applicable provisions of this Ordinance. The user may be required to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a User Permit application.
- E. No user shall implement the planned changed conditions until and unless the Director or his/her designee has responded to the user’s notice.
- F. This Section shall not be construed to authorize a discharge that exceeds a discharge prohibition or limitation provided by this Ordinance or a permit.

Section 8.06. Notice By User Regarding Wastes That Are Otherwise Hazardous

Any Nondomestic User that discharges to the POTW a substance that, if disposed of other than by discharge to the POTW, would be a hazardous waste under 40 CFR Part 261 or under the rules promulgated under the state hazardous waste management act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.11101 et seq., as amended) shall notify the Director, the U.S. EPA Region V Waste Management Division Director, and the State hazardous waste authorities of the discharge as required by MAC R 323.2310(15).

Section 8.07. Notice by User Regarding Installation of New Pretreatment Facilities

Within five (5) days after completing installation of new pretreatment facilities, the user shall notify the Director in writing of the time and date when it intends to commence operation of the new facilities, and the identity of the person who will conduct any tests to be performed. The pretreatment facilities shall not be placed in regular operation until adequate tests have been conducted to establish that the discharges will comply with the requirements of this Ordinance and other applicable laws and regulations. Upon prior written request by the Director, the user shall allow a representative of the POTW to observe the tests at the time they are conducted. The cost of the tests shall be paid by the user.

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Section 8.08. Notice of Intent

- A. At least sixty (60) days before commencing or changing a discharge, each of the following persons shall submit a Notice of Intent to the Director for approval by the Director:
1. A person proposing to discharge any nondomestic wastewater not previously reported to the Director.
 2. A person taking possession or control of an existing facility that discharges or may discharge process wastewater into the POTW.
 3. A person constructing a new facility that will discharge process wastewater into the POTW.
 4. A person commencing or modifying a discharge of hazardous wastes that requires reporting under Section 8.06.
- B. The Notice of Intent shall be submitted in writing on a form provided by the Director and shall be accompanied by a payment of any fees established by the Director. It shall include sufficient information to allow the Director to evaluate the effect of the proposed discharge on the POTW and operations and to assure compliance with this Ordinance.

Section 8.09. Other Reports and Notices Required by this Section or by Other Applicable Laws and Regulations

Users shall comply with all other reporting or notice requirements as provided by this Ordinance, by any notice, order or permit issued under this Ordinance, or as required by any other applicable law or regulation, including, without limitation, the reporting and notice requirements in connection with accidental discharge (Division 10), upset (Division 11), bypass (Division 12), and any other reports or notice requirements determined necessary by the Director to assess and assure compliance with the requirements of this Ordinance.

Section 8.10. Requirements Applicable to All Required Reports, Notifications, and Applications

All reports, notifications, and applications submitted by a user to the Director as required by this Ordinance (or by any order, permit or determination issued or made pursuant to this Ordinance) shall meet the following requirements:

- A. All reports, notifications, applications and requests for information required by this Ordinance shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, notification, application or request. The data shall be representative of conditions occurring during the applicable reporting period. If a pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the Director or the applicable standard to determine compliance with the standard.
- B. If a user monitors any pollutant (or measures flow) more frequently than required by this Ordinance or a User Permit, using the monitoring, sampling and analytical procedures as required by Section 9.01, the results of all such additional monitoring shall be included in any report or notification submitted pursuant to this Ordinance.
- C. The Director may require that reports, notifications, and other required documents and data be submitted in a standardized format, as specified by the Director.
- D. If the POTW, instead of a user, collects all of the information, including flow data, required for a report required by Section 8.01 or Section 8.02, the Director, in the Director's sole discretion, may waive the requirement that the report be submitted by the user.
- E. The reports, notifications, and other documents and data required to be submitted or maintained by this Ordinance shall be subject to all of the provisions as specified by MAC R 323.2310(13).
- F. Written reports, notifications, and applications will be deemed to have been submitted to the Director, unless otherwise specified by the Director, as follows:

1. If mailed, on the date postmarked.
 2. The date of receipt of the report shall govern for reports, notifications, or applications which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, including, but not limited to, reports, notifications, or applications that are hand-delivered, faxed, or emailed.
 3. Written reports, notifications, and applications may be submitted to the Director by fax or email (or by any means other than mail or hand-delivery) only with the prior approval of the Director on a case-by-case basis. The report or notification shall be sent to the fax number or email address specified by the Director.
- G. All written reports, notifications, and applications submitted by mail or hand-delivery shall be sent or delivered to the address stated in the User Permit, or if there is no User Permit, then to the following address:

Clinton River Water Resources Recover Facility
155 North Opdyke
Pontiac, MI 48342
Attn: CRWRRF Superintendent

Charter Township of Orion
Department of Public Works
2525 Joslyn Road
Lake Orion, MI 48360
Attn: Water and Sewer Superintendent

- H. If notice by telephone or fax is required or otherwise authorized by the Director, such notice shall be made to the following numbers, as appropriate:

Oakland County Safety Dispatch: 248-858-0931 (24 hours)
Wastewater Treatment Plant: 248-858-4325 (Mon – Fri 8:00 am to 4:30 pm)
Operator Emergency Number: 248-978-8646 (24 hours/7 days)
Wastewater Treatment Plant Fax: 248-452-9152 (24 hours/7 days)

Required oral emergency or accidental spill or slug notifications shall not be left on voicemail or sent by email.

- I. Failure to provide the reports, notifications, and applications required by this Ordinance constitutes an independent violation of this Ordinance. However, compliance with applicable reporting and notification requirements shall not relieve a user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report or notification relieve a user of any fines, penalties, or other liability that may be imposed by applicable laws or regulations. Further, the reporting and notification requirements required by this Ordinance shall not be construed to authorize a discharge that exceeds a discharge prohibition or limitation under this Ordinance or other applicable laws or regulations.

Section 8.11. Signature and Certification Requirements

All written reports, notifications, and applications required by this Ordinance shall be signed and certified as follows:

- A. Required Signatures. The reports, notifications, and applications shall be signed by an “authorized representative” of the user as defined in Section 1.02 of this Ordinance.
- B. Required Certification. The reports, notifications, and applications shall include the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- C. Exception. If the POTW elects to perform instead of the user all or any portion of the sampling or analysis otherwise required for a report or notification, the user will not be required to comply with the certification requirements for the sampling and analysis (or portion thereof) performed by the POTW.

DIVISION 9. SAMPLING, ANALYSIS AND MONITORING REQUIREMENTS

This Section provides the sampling, analysis and monitoring requirements applicable to users of the POTW. It does not apply to Domestic Users except as may be determined appropriate in specific cases by the POTW. All users required by this Ordinance (or by any permit, order, decision or determination issued or made under this Ordinance) to sample, monitor and analyze their discharges to the POTW shall do so according to the minimum requirements provided by this Section. Additional or more restrictive sampling, analytical or monitoring requirements may be required for a particular user by a permit, order, decision or determination issued or made under this Ordinance.

Section 9.01. Sampling and Analytical Techniques and Procedures

All sampling, measurements, tests, and analyses of the characteristics of discharges to the POTW shall be performed in accordance with the procedures approved by the U.S. EPA contained in 40 CFR Part 136. If, as determined by the Director, the sampling and analytical techniques contained in 40 CFR Part 136 are not available, do not apply to the discharge or pollutants in question, are not appropriate under the circumstances for application to the discharge or pollutants in question, or where one or more alternate techniques are available under 40 CFR Part 136, sampling and analysis shall be performed using validated sampling and analytical methods and procedures approved or required by the Director.

Section 9.02. Sampling Frequency

Users shall sample their discharges to the POTW at a frequency necessary to assess and assure compliance with the requirements of this Ordinance, any permit or order issued pursuant to this Ordinance, all applicable pretreatment standards and requirements, other applicable state and federal laws and regulations, or as otherwise determined necessary by the Director consistent with the purposes and intent of this Ordinance. At a minimum, all Significant Industrial Users shall sample their effluent two (2) times per year (once every six (6) months) or as often as provided by their permits, whichever is more frequent, and report the results to the Director. Each discharge point to the POTW shall be sampled and reported individually.

Section 9.03. Sample Types

Where representative samples are required to be taken for facilities for which historical sampling data does not exist (or if otherwise requested by the Director), a user shall take a minimum of 4 grab samples for pH, temperature, cyanide, phenols (T), residual chlorine, oil and grease, sulfide, and volatile organics (and any other parameters designated by the Director), unless a greater number of grab samples is required in advance by the Director. For facilities for which historical sampling data is available, or under other circumstances determined appropriate by the Director, the Director may authorize a lower minimum number of grab samples (except that historical data shall not be used for periodic compliance reports as required by Section 8.02). In all cases, users shall take the minimum number of grab samples determined necessary by the Director to assess and assure compliance by users with applicable pretreatment standards and requirements. Grab samples may be required to show compliance with instantaneous minimum or instantaneous maximum discharge limits. For all other pollutants and sampling, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate.

Section 9.04. Sampling Methods, Equipment and Location

- A. General. A user shall use the sampling methods, sampling equipment, and sampling location specified by the user's User Permit, or, in the absence of a permit, as otherwise required by the Director. If required by the Director, a user shall prepare and submit a sampling plan for the Director's approval, including any requirements or conditions specified by the Director.
- B. Contaminated groundwater. For discharges to the POTW from remedial actions related to leaking underground storage tanks or other sources of contaminated groundwater, the Director may require the following analyses or such other analyses as determined appropriate by the Director:
 - 1. Samples shall be analyzed for benzene, ethylbenzene, toluene and xylene using the latest methods approved by U.S. EPA.
 - 2. For total petroleum hydrocarbons, samples shall be analyzed according to the latest methods approved by U.S. EPA.

Section 9.05. Costs of Monitoring, Sampling and Analyses

All required monitoring, taking of samples, and sample analyses, whether performed by the POTW or by a user, including, but not limited to, the costs or fees associated with inspection or surveillance, shall be at the sole cost of the user. For users with more than one outfall, each outfall monitored shall be charged separately.

Section 9.06. Self-monitoring

- A. Except as otherwise provided by this Ordinance, self-monitoring shall be conducted by each Nondomestic User to insure compliance with all applicable requirements of this Ordinance and other applicable laws and regulations.
- B. A user performing its own sampling shall submit the samples for analysis to a laboratory (which may include the user's own laboratory) approved by the Director.
- C. A user performing its own sampling or monitoring shall record and maintain for all samples and monitoring (including any sampling and monitoring associated with Best Management Practices) the date, exact location (which shall match sampling locations identified in the user's User Permit, as applicable), time (including start time and stop time) and method of sampling or measurement, and the name(s) of person(s) taking the samples or measurements; sampler programming information; the sample preservation techniques or procedures used; the full chain-of-custody for each sample; the dates the analyses were performed and completed; who performed the analyses; the analytical techniques and methods used; the detection limits and/or quantification level used per parameter; quality assurance/quality control (QA/QC) procedures used and QA/QC data; and the results of the analyses.
- D. If sampling performed by a user indicates a violation, the user shall notify the Director by telephone within twenty-four (24) hours of becoming aware of the violation. Within 5 days of becoming aware of the violation or noncompliance, the user shall submit a written report to the Director with the initial sample results. The written report shall also state the cause of the violation (if known or if there is suspected probable cause) and whether the user has taken or planned any actions to correct or prevent future similar violations. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation (unless required sooner by the Director). If the POTW has performed the sampling and analysis in lieu of the user, the POTW must perform the repeat sampling and analysis unless the Director notifies the user of the violation and requires the user to perform the repeat sampling and analysis. The user shall not be required to resample if (a) the POTW performs sampling at the user at a frequency of at least once per month, or (b) the POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user or the Director receives the results of the sampling that indicates the violation.
- E. If a user uses its own laboratory for sample analysis, the Director may require the user to send split samples to an independent laboratory at a frequency specified by the Director as a quality control check.
- F. Users required to do monthly sampling shall submit sample results to the Director by the fifteenth (15th) day of the following month, unless specified otherwise in the user's User Permit.

Section 9.07. Sampling and Analyses Performed by POTW

- A. The sampling and analysis required by this Ordinance may be performed by the POTW instead of the user, as determined necessary by the Director for purposes of this Ordinance. The Director shall provide the user with copies of analytical results prepared by the POTW. If the results of any sampling and analysis performed by the POTW instead of the user show that a pretreatment standard has been violated, the Director shall provide the user with copies of the analytical results within ten (10) days after the results are available.
- B. If the POTW performs the required sampling and analysis for a user, the user shall pay a sampling fee to the POTW to fully reimburse the POTW for the sampling and analysis, including administrative and overhead costs. The POTW may contract with an independent firm to perform the sampling and analysis and the user shall fully reimburse the POTW for all costs incurred by the POTW in connection with the sampling and analysis, including any administrative and overhead costs.

Section 9.08. Split Samples and Sample Results

- A. If requested by the Director, the POTW shall be provided with splits of any sample taken by a user. The user shall provide splits to the POTW at no cost to the POTW.
- B. If requested by a user prior to the collection of a sample of the user's discharge, the POTW shall leave a portion of the sample of the discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis.
- C. In cases of disputes arising over split samples, the portion taken and analyzed by the POTW shall be controlling unless proven invalid. The burden of proving the POTW's results invalid shall be on the user and at the user's sole cost.

Section 9.09. Maintenance, Repair and Calibration of Equipment

- A. A user who performs self-monitoring shall contract with an independent company (unless the requirement to use an independent company is waived in advance by the Director as determined appropriate by the Director) to maintain, repair, and calibrate the sampling and flow measurement equipment and instruments used to monitor the user.
- B. The maintenance, repair, and calibration shall be performed as often as necessary to ensure that monitoring data is accurate and representative (but in no event less frequently than twice in a calendar year at reasonable intervals), consistent with the accepted capability of the type of equipment used, and shall be at the sole cost of the user.
- C. A user shall keep a complete and accurate written record of all calibrations, inspections and maintenance done (including, without limitation, the date and time of the activity, a description of what was done and the methods used, the names of persons conducting the activity, and any required or recommended follow-up). The record shall also include a description of all problems discovered regarding the equipment whether in response to a regularly scheduled inspection or otherwise.
- D. The POTW, in any event, may inspect and test a user's sampling and flow measurement equipment and instruments at all times.
- E. In no case shall a user's failure to keep its equipment, instruments and facilities in good working order constitute grounds for the user to claim that sample results are not representative of its discharge.

Section 9.10. Required Sampling Structures and Devices

- A. The Director may require any user to install suitable control structures (such as sampling manholes or sampling vaults) and necessary measuring and sampling devices (including wastewater flow meters and automatic samplers) to facilitate the observation, sampling, and measurement of the quantity, composition, and concentrations of discharges to the POTW. The Director may require the user to install control structures and measuring and sampling devices at every discharge point and/or outfall. Further, multiple separate and discrete building sewers, control structures, and measuring and sampling devices may be required for a single user, premises, building, facility or user, as determined necessary by the Director. The structures and devices shall be maintained at all times in a safe, clean and proper operating condition at the sole expense of the user.

- B. There shall be ample room in or near the control structure to allow accurate monitoring, measuring, sampling and preparation of samples for analysis, as determined necessary by the Director. At a minimum, all sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches in diameter and an internal diameter of no less than thirty-six (36) inches containing flow measuring, recording and sampling equipment as required by the Director to assure compliance with this Ordinance.
- C. Any temporary or permanent obstruction for safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the verbal or written request of the Director and shall not be replaced. The costs of clearing such access shall be borne solely by the user.
- D. The location and complexity of the required control structure or devices may vary with sampling requirements determined necessary by the Director to protect the POTW and to comply with applicable laws and regulations.
- E. The required sampling structures and devices shall be constructed and installed at the user's sole expense in accordance with plans submitted to the Director, and in compliance with all applicable local construction standards and specifications. Users shall submit to the Director plans and specifications for construction or modification of monitoring facilities at least thirty (30) days before the proposed commencement of construction or modification. If a user constructs or modifies monitoring facilities before the Director's approval or without an inspection during construction and the Director determines that the monitoring facilities are not acceptable, then the user shall at its cost reconstruct or modify the monitoring facilities according to the requirements of the Director. Construction shall be completed within ninety (90) days following written notification by the Director, or within such other shorter or longer time period specified by the Director as required by the particular circumstances to meet the requirements of this Ordinance. The structures and devices shall be operated and maintained by the user at the user's sole expense so as to be safe and accessible to POTW personnel at all times and so as to provide accurate and representative monitoring data. If a user fails to install or maintain a required structure or device, the Director may do so and charge the costs to the user. No person shall use a required control structure for any purpose other than the sampling and monitoring activities specifically approved by the Director.
- F. The sampling structures and devices must be provided on the user's premises as approved by the Director, but the Director may, if the Director determines that such a location would be impractical or cause undue hardship to the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- G. Samples shall be taken at a control structure approved by the Director. However, in the absence of a suitable control structure as required by this Section, samples shall be taken immediately downstream from pretreatment facilities if pretreatment facilities exist, or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with a regulated process wastestream prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined wastestream formula under MAC R 323.2311(7) or other methods required by the Director to evaluate compliance with applicable pretreatment standards and requirements.
- H. No user shall change monitoring points or monitoring methods without first notifying and receiving the approval of the Director. The Director shall not approve any change in a user's monitoring point or points that would allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.
- I. A user shall allow the POTW access to all sampling and monitoring facilities as provided by Section 17.01 of this Ordinance.

Section 9.11. Determination of Flow

The Director may require a user to determine the amount of wastewater flow discharged to the POTW from a user's Premises, using any method as determined appropriate by the Director and subject to the Director's review and approval, including, but not limited to, the following:

- A. If the premises are metered, the amount of water supplied to the premises as shown by the water meter;
- B. If the premises are supplied with river water or water from private wells, the Director may estimate the amount of water supplied from such sources based on the water, gas or electric supply to the Premises, or may require that the water flow be measured using a certified meter approved by the Director;

- C. If the premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be (or is not) entirely discharged to the POTW, the Director may require the user to estimate the amount of wastewater discharged to the POTW based on the water, gas or electric supply to the Premises;
- D. The Director may determine the amount of wastewater discharged to the POTW based on measurements and samples taken by the POTW from a manhole installed by the owner of the premises, at the owner's sole expense, as required by the Director under this Ordinance;
- E. The Director may require a wastewater flow meter in a manhole installed by the owner of the premises, at the owner's sole expense; or
- F. The Director may determine the amount of wastewater discharged to the POTW from a premises using a combination of any of the above methods, or using any other method determined appropriate by the Director.

DIVISION 10. ACCIDENTAL DISCHARGES

Section 10.01. General

This Section sets forth minimum requirements for Nondomestic Users (and any other users as required by the Director) to prepare for, respond to, and report, accidental discharges to the POTW. Additional or more restrictive requirements may be required for particular users under a User Permit, a slug control plan, or by other applicable laws and regulations.

- A. Each Nondomestic User shall provide and continuously maintain protection from accidental discharge of materials or other substances regulated by this Ordinance as provided by this Section. The POTW may refuse to accept current or proposed discharges from any user that fails to comply with the requirements of this Section.
- B. Detailed plans showing facilities and operating procedures to provide the protections required by this Section shall be submitted to the Director for review prior to construction of the facilities. All existing users shall submit the required plans and information with their permit applications or upon request of the Director. For new sources, facilities and operating procedures to provide the protections required by this Section shall be approved by the Director prior to commencing discharge. No user who commences discharging to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge facilities and procedures as provided by this Section are in place and have been approved by the Director.
- C. Facilities to prevent accidental discharge of regulated materials or substances shall be provided and maintained at the user's cost and expense. Review and approval by the Director of plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. Compliance with the requirements of this Section shall not relieve a user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, or for any other damage to persons or property, or for any other liability that may be imposed under this Ordinance or under other applicable laws and regulations.
- D. No change shall be made in any plan or procedure approved by the Director as provided by this Section without the prior review and approval of the Director.
- E. All users shall notify the Director in writing within five (5) days of any change in the information required to be provided to the Director as set forth below in this Section (including, without limitation, information regarding the person in charge of discharge operations, the description of chemicals stored, used or manufactured by the user, the description of user discharges, and the description of user premises).

Section 10.02. Designation of Person in Charge of Discharge Operations

Each Nondomestic User shall designate at least one person to be in charge of and responsible for the user's discharges to the POTW, including responsibility for maintaining pretreatment facilities and operations, if any, and prevention of accidental discharges ("person in charge"). The person so designated shall be an individual with knowledge of all toxic wastes or hazardous substances routinely or potentially generated by the user, and of all process alterations that could, in any manner, increase or decrease normal daily flow or waste strength to the POTW. The names of the person (or persons) designated as provided by this Section and a phone number where the person can be reached for 24-hour contact shall be submitted by each user to the Director.

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Section 10.03. Description of Chemicals Stored, Used or Manufactured by User; User Discharges; User Premises

Unless the Director determines that all of the following information has already been appropriately provided to the POTW pursuant to other requirements of this Ordinance, each Nondomestic User shall:

- A. Catalog all chemicals stored, used, or manufactured by the user at the user's premises. The list of chemicals shall include specific chemical names (not just manufacturer's codes) and shall be provided to the POTW.
- B. Provide the POTW with a written description of the user's discharge practices, including an estimate of daily average flows, waste strengths, and flow types, separated according to appropriate categories including process, cooling, sanitary, etc.
- C. Provide to the POTW a detailed, scaled professionally prepared drawing of the user's plant building(s), including the location of pretreatment equipment, process and chemical storage areas, waste storage areas, floor drains located near process and storage areas, manhole or other control structures, and sewer locations at the user's point of discharge into the POTW.

Section 10.04. Segregation of Wastewaters Requiring Pretreatment

Nondomestic Users shall segregate wastewaters requiring pretreatment (including, without limitation, spent concentrates, toxics, and high strength organic wastes) as necessary to prevent pollutants from interfering with or passing through the POTW. All sludges generated by pretreatment shall be used and disposed of only as permitted by applicable local, state and federal laws and regulations.

Section 10.05. Secondary Containment Requirements

- A. Each Nondomestic User must provide and maintain at the user's sole expense secondary spill containment structures (including diking, curbing or other appropriate structures) adequate to protect all floor drains from accidental spills and discharges to the POTW of any pollutants or discharges regulated by this Ordinance.
- B. The containment or curbing for indoor areas shall be sufficient to hold not less than 150% of the total process area tank volume and not less than 150% of liquid polluting material stored or used, unless a lesser containment area or alternate control measures are approved in advance by the Director.
- C. The containment area shall be constructed so that no liquid polluting material can escape from the area by gravity through the building sewers, drains, or otherwise directly or indirectly into the POTW. All floor drains found within the containment area must be plugged and sealed.
- D. Spill troughs and sumps within process areas must discharge to appropriate pretreatment tanks.
- E. Emergency containment shall also be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.
- F. Solid pollutants shall be located in security areas designed to prevent the loss of the materials to the POTW.
- G. Detailed plans showing facilities and operating procedures to provide the protection required by this Section shall be submitted to the Director for review, and shall be approved by the Director before construction. Construction of approved containment for existing sources shall be completed within the time period specified by the Director.
- H. No new source shall be permitted to discharge to the POTW until emergency containment facilities have been approved and constructed as required by this Section.
- I. The Director may order a user to take interim measures for emergency containment as determined necessary by the Director under the circumstances.

Section 10.06. Submission of Pollution Incident Prevention Plan

- A. Each user required to develop a pollution incident prevention (“PIP”) plan as provided by Part 5 of the Michigan Water Resources Commission Rules, 1979 ACR 323.1151 et seq., as amended (promulgated pursuant to Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., as amended), shall submit a copy of that plan to the Director.
- B. The PIP Plan shall be submitted to the Director within sixty (60) days of the effective date of this Ordinance for an existing source, or thirty (30) days prior to the date of discharge for a new source.

Section 10.07. Posting of Accidental Discharge Information

All Nondomestic Users shall post a clearly legible set of instructions in the area where the user manages wastewater so that the applicable reporting and notice requirements are made known and are available to the user’s employees. In addition, all Nondomestic Users shall instruct their employees on the applicable reporting and notice requirements of this Section.

Section 10.08. Notice of Accidental Discharge

- A. In the case of an accidental discharge, a user shall immediately notify the POTW of the incident by telephone.
- B. The notification shall include the name of the person placing the call, the name of the user, and all available information regarding the location of the discharge, its volume, duration, constituents, loading and concentrations, corrective actions taken in response to the discharge and required to prevent future violations, and other available information as necessary to determine what impact the discharge may have on the POTW.
- C. A detailed written report providing the same and any additional available information (including specifying the measures that will be taken by the user to prevent similar future discharges) shall also be provided by the user to the Director within five (5) days of the incident.
- D. Providing notice of an accidental discharge shall not relieve a user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notice relieve a user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

Section 10.09. Slug Control Plan

- A. Each Significant Industrial User shall prepare and implement an individualized slug control plan to address notification, slug and/or spill prevention, containment, spill cleanup, and employee training. Existing Significant Industrial Users shall submit a slug control plan to the Director for approval within ninety (90) days of the effective date of this Ordinance. New sources that are Significant Industrial Users shall submit a slug control plan to the Director for approval before beginning to discharge. Upon written notice from the Director, Nondomestic Users that are not Significant Industrial Users may also be required to prepare and implement a slug control plan, and the plan shall be submitted to the Director for approval as specified in the notice.
- B. Slug control plans must also be submitted for review and approval by the Director:
 - 1. As part of a user permit application and before the permit is issued; and an updated plan may be required in connection with any permit modification or reissuance; and
 - 2. The Director may also require a new or updated plan before constructing any new facilities.
- C. Approval of a slug control plan shall not relieve a user from complying with laws and regulations governing handling of hazardous substances.
- D. All slug control plans shall contain at least the following elements:
 - 1. A description of discharge practices, including non-routine batch discharges;

2. A description of stored chemicals, raw materials, and waste;
 3. The procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate any discharge prohibition, limitation or requirement under this Ordinance, and procedures for follow-up written notification within five (5) days of the discharge;
 4. The procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.
 5. A description of any Best Management Practices required by a pretreatment standard or requirement, a user permit, or other applicable laws and regulations.
- E. If a user has submitted to the Director plans or documents pursuant to other requirements of local, state or federal laws and regulations which meet all applicable requirements of this Section 10.09, the Director, in the Director's sole discretion, may determine that the user has satisfied the slug control plan submission requirements of this Section.

DIVISION 11. UPSET AND ADDITIONAL AFFIRMATIVE DEFENSES

Section 11.01. Upset

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if all of the requirements of Section 11.01(A), below, are met. However, in the event of an upset, the user may still be liable for surcharges for exceeding applicable discharge limitations as provided by this Ordinance. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

- A. Conditions Necessary to Demonstrate Upset. A user seeking to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, all of the following:
1. An upset occurred and the user can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 3. The user has submitted the following information to the Director within twenty- four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission containing the same information must be provided within five (5) days of becoming aware of the upset):
 - a. A description of the discharge and cause of non-compliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - c. The steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- B. User Responsibility in Case of Upset. The user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable limits upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 11.02. Additional Affirmative Defenses

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions under Section 6.01(A) and specific prohibitions under Sections 6.01(B)(4), (5), (6) or (7) if the user can demonstrate that all of the conditions necessary to establish the defense under MAC R 323.2303(3)(a) and (b) are met. However, even if the affirmative defense is established, the user may still be liable for surcharges for exceeding applicable discharge limitations as provided by

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this Ordinance. In any enforcement proceeding, the user seeking to establish the affirmative defenses provided by MAC R 323.2303(3) shall have the burden of proof.

DIVISION 12. BYPASS

Section 12.01. Bypass Not Violating Applicable Pretreatment Standards or Requirements

A Nondomestic User may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if the bypass is for essential maintenance to assure efficient operation. A bypass that meets the requirements of the preceding sentence of this Section is not subject to the provisions in Sections 12.02, 12.03, and 12.04. However, nothing in this Section shall be construed to authorize a discharge that exceeds a discharge prohibition or limitation under this Ordinance or other applicable laws or regulations; nor to relieve a user for any expense, loss, damage, or liability that may be incurred as a result of the bypass, such as damage to the POTW, fish kills, or any other damage to person or property; nor to relieve the user of any fines, penalties or other liability that may be imposed by applicable laws or regulations as a result of the bypass.

Section 12.02. Bypass Prohibited

Except as provided by Section 12.01, the bypass of industrial wastes from any portion of a user's facility is prohibited, and shall be subject to enforcement action, unless all of the following apply:

- A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance.)
- C. The user submitted the notices as required under Section 12.03.

Section 12.03. Required Notices

- A. Anticipated bypass. If a user knows in advance of the need for a bypass, it must submit prior notice of the bypass to the POTW. Such notice shall be submitted to the Director as soon as the user becomes aware of the need for the bypass, and if possible, at least ten (10) days before the date of the bypass.
- B. Unanticipated bypass. A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

Section 12.04. POTW Approved Bypass

The Director may approve an anticipated bypass after considering its adverse effects, if the Director determines that it meets the conditions set forth in Sections 12.02(A), 12.02(B) and 12.02(C). It shall be a violation of this Ordinance for a user to allow an anticipated bypass to occur without the prior approval of the Director.

DIVISION 13. CONFIDENTIAL INFORMATION

Section 13.01. Confidential Information

The following provisions shall apply regarding the treatment by the POTW of confidential information submitted to or obtained by the POTW in the administration of this Ordinance:

- A. Except as otherwise expressly provided by this Division, all information and data regarding a user's discharges obtained from reports, questionnaires, permit applications, permits, monitoring activities, and from inspections is subject to disclosure to the public and other governmental agencies pursuant to the Michigan Freedom of Information Act (MCL 15.231, et seq.; Act No. 442 of the Public Acts of 1976, as amended).
- B. Information submitted to the POTW in the administration of this Ordinance may be claimed by the user as confidential and not subject to public disclosure, only if all of the following requirements and conditions are met:
 - 1. The information sought to be kept confidential qualifies as a protected trade secret or commercial or financial information as determined by the appropriate public official or is otherwise exempt from public disclosure under Act No. 442 of the Public Acts of 1976, as amended, MCL 15.231 et seq. (the Michigan Freedom of Information Act).
 - 2. The user specifically requests at the time that the information is submitted that the release of the information would divulge information, processes, or methods of production entitled to protection as trade secrets or commercial or financial information of the user.
 - 3. The information submitted by a user for which confidentiality is requested shall be clearly marked using the words "confidential business information" on each page as to the portion or portions considered by the user to be entitled to protection as trade secrets or commercial or financial information of the user; and shall be accompanied by a written explanation of why the user considers the information to be confidential or why the release of the information would divulge information entitled to protection as trade secrets or commercial or financial information.
- C. If information is determined to be protected as confidential and not subject to public disclosure as provided by this Division, the information shall be treated as provided by this Division and applicable state and federal laws and regulations governing confidentiality of information submitted by users to the POTW; provided, however, that all such information shall nevertheless be made available upon written request to governmental agencies for uses related to matters regulated by this Ordinance and shall be made available for use by the State, any State agency, or the POTW in judicial review or enforcement proceedings that involve the user that submitted the information.
- D. Claims of confidentiality for the following information shall be denied and shall be subject to public disclosure as provided by this Division: Information furnished to the POTW on the volume or characteristics of wastewater or pollutants discharged or proposed to be discharged by a user into the POTW. This shall include, but shall not be limited to, all information submitted on user permit applications; information associated with user monitoring or sampling results; information in required user reports and notifications; and information regarding flow measurements and other production data used to determine compliance with mass-based limits or to calculate or apply a combined waste stream formula.
- E. All confidential information and/or data with respect to a particular user that is on file with the POTW shall be made available upon written request by that user or its authorized representative during regular business hours.

DIVISION 14. RECORDS RETENTION

Section 14.01. Maintenance of Records

All users shall retain and preserve records, including, without limitation, all books, documents, memoranda, reports, correspondence and similar materials, related to matters regulated by this Ordinance as provided by the minimum requirements of this Section or as provided by a permit or order issued pursuant to this Ordinance.

- A. Discharge Records. A Nondomestic User shall retain, preserve, and make available to the POTW for inspection and copying, for the period specified in Section 14.01(C) all records related to matters regulated by this Ordinance, including, without limitation, all documents, memoranda, correspondence and similar materials; copies of all required reports, notifications, and applications; all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of results of all sampling, monitoring, measurements and analyses; all documentation associated with Best Management Practices; all documentation associated with a required slug plan; and records of all data used to complete the application for a permit. Any Nondomestic User subject to the sampling, monitoring, analysis, or reporting requirements of this Ordinance shall maintain copies of all records and information pertaining to those requirements or resulting from any monitoring activities (whether or not such monitoring activities are required by this Ordinance). For all samples, the records shall include, at a minimum, the information required to be recorded by Section 9.06 of this Ordinance.

- B. Hazardous or Solid Waste. A Nondomestic User shall retain and preserve all records regarding its generation, treatment, storage, or disposal of hazardous waste or solid waste for the period specified in Section 14.01(C), and shall make them available to the POTW for inspection and copying, subject to the provisions in this Ordinance regarding confidential information. (As used in this Section, the terms “hazardous waste” and “solid waste” shall have the same definition as provided in the state hazardous waste management act, Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.11101 et seq., as amended, and the rules promulgated under that act.)
- C. Retention Period. Users subject to the reporting requirements of this Ordinance (or of any permit or order issued pursuant to this Ordinance) shall retain the records specified in Sections 14.01(A) and 14.01(B) for a period of at least three (3) years from (a) the date the record was created or (b) the date the record was first used or relied upon by the user, whichever is later. The three (3) year retention period shall be extended during any administrative or judicial action, enforcement proceeding or litigation regarding matters regulated by this Ordinance (or regarding discharges of the POTW under its NPDES permit), until all such actions, proceedings, or activities have concluded and all periods of limitation with respect to any and all appeals have expired. The three (3) year retention period may also be extended at any time at the request of the POTW, the MDEQ, or the U.S. EPA. The POTW shall retain all records, notices and other information regarding discharges to the POTW submitted to it by Nondomestic Users of the POTW for a period of not less than three (3) years.

DIVISION 15. ADMINISTRATION OF THE POTW

Section 15.01. Operation and Management of POTW

The operation, maintenance, alteration, repair and management of the POTW shall be under the supervision and control of the Director. The Director has the exclusive right to establish, maintain and collect rates and charges for use of the POTW. The Director may employ the persons in the capacities as the Director deems necessary and advisable to ensure the efficient and effective operation, maintenance, alteration, repair and management of the POTW, to comply with the Drainage District’s NPDES permit, and to discharge its financial obligations. The Director may establish any laws, rules, regulations, and procedures as determined necessary by the Director to undertake the activities as provided by this Section and to otherwise meet the purposes and objectives of this Ordinance.

Section 15.02. Powers of Director

The Director is authorized and empowered to take the following actions (either directly, or, as specified in this Ordinance, through or in conjunction with authorized representatives of the Local Unit):

- A. Supervise the implementation of this Ordinance.
- B. Review plans submitted by users for pretreatment equipment.
- C. Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered sampling, metering, or pretreatment equipment to determine compliance with the provisions of this Ordinance.
- D. Verify the completeness, accuracy and representativeness of self-monitoring data submitted and/or maintained by users.
- E. Determine and assess IPP fees and surcharges as provided by this Ordinance.
- F. Investigate complaints of violations of this Ordinance, make inspections and observations of discharges, and maintain a record of the investigations, complaints, inspections and observations.
- G. Issue orders and notices of violation and take other actions as necessary to require compliance with this Ordinance.
- H. Develop and implement a Control Authority Enforcement Response (CAER) Plan as required by 40 CFR 403.8(f)(5). The CAER Plan shall provide procedures for the POTW to investigate and respond to instances of noncompliance by users. The CAER Plan and any associated regulations shall be developed by the Director.
- I. With the approval of the Local Unit, and in conjunction with the Local Unit’s legal counsel, institute necessary civil or criminal judicial legal actions and proceedings in a court of competent jurisdiction against all users violating this Ordinance to prosecute violations of this Ordinance, to compel the abatement or prevention of violations, to compel compliance with

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this Ordinance and any order, determination, permit or agreement issued or entered into under this Ordinance, and to pursue any other necessary or advisable legal and/or equitable judicial relief or remedies with respect to violations of this Ordinance.

- J. In conjunction with the Local Unit's legal counsel, commence a municipal civil infraction action against any user violating this Ordinance, and issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.
- K. Perform any other actions authorized by this Ordinance, or as necessary or advisable for the supervision, management and operation of the POTW and the enforcement of this Ordinance and other applicable laws and regulations.

DIVISION 16. USER POLLUTION CONTROLS

Section 16.01. Provision by Users of Necessary Pretreatment Facilities

- A. Pretreatment of any discharge to the public sewer may be required when, in the opinion of the Director, pretreatment is necessary to protect the POTW or to otherwise accomplish the purposes and objectives of this Ordinance.
- B. Users shall provide necessary wastewater treatment as required to comply with all applicable pretreatment standards and requirements within the time limitations specified by applicable law or regulation, and as required to comply with the requirements of a User Permit or order issued pursuant to this Ordinance. All facilities required to pretreat discharges shall be provided, operated, and maintained at the user's sole expense. Detailed, professionally signed and sealed plans showing the pretreatment facilities, specifications, and operating procedures shall be submitted to the Director for review and approval prior to construction. The Director may approve, approve with conditions, or disapprove the plans, specifications and operating procedures. A user shall not begin discharging from the treatment facilities until facilities have been approved and all conditions and requirements of the approval have been met as determined by the Director. The review and approval by the Director of such plans and operating procedures does not in any way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Director prior to the user's initiation of the changes. (Users shall notify the Director regarding the installation of new pretreatment facilities or modification of existing facilities as provided by Section 8.07 of this Ordinance.)

Section 16.02. Proper Operation and Maintenance

A user shall at all times properly operate and continuously maintain, at the user's sole expense, all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the user to comply with the requirements of this Ordinance. Proper operation and maintenance includes, without limitation, effective performance, adequate funding (including replacement costs), adequate operator staffing, and adequate quality assurance/quality control (QA/QC) procedures for sampling and analysis, so as to provide adequate wastewater collection and treatment on a continuing basis, to conform with all local, state and federal laws and regulations, and to assure optimum long-term management of the facilities and system.

Section 16.03. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act, and other applicable local, state, and federal laws and regulations.

Section 16.04. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss, or failure of all or part of a user's pretreatment equipment or facility, the user shall, to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable standards, requirements, and limits, control its production and all discharges until operation of the equipment or facility is restored or an alternative method of treatment is provided. This requirement applies in situations, including,

without limitation, where the primary source of power for the pretreatment equipment or facility is reduced, lost, or fails. It shall not be a defense for a user in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Ordinance.

Section 16.05. Duty to Mitigate

A user shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with this Ordinance, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

Section 16.06. Duty to Pretreat Prior to Discharge to POTW

Except as otherwise expressly required by this Ordinance, by a User Permit, by an order or other determination of the Director, or by other applicable law or regulation, the prohibitions and limitations provided by this Ordinance or a User Permit shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the POTW and any required pretreatment shall, at a minimum, be completed before that point of discharge is reached.

Section 16.07 Implementation of Best Management Practices or Best Management Practices Plan

- A. The Director may require any user to develop and implement Best Management Practices to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants or other substances from the user's premises to the POTW, as determined necessary by the Director.
- B. In addition, the Director may require a user to develop and submit a Best Management Practices Plan ("BMPP"), including an enforceable implementation schedule, for review and approval by the Director. The BMPP shall be submitted within thirty (30) days after notification by the Director or as otherwise required by a User Permit. The BMPP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the POTW. The BMPP shall be available for inspection at all times at the user's premises. At a minimum, a user's BMPP shall contain all of the following elements, as determined necessary by the Director, at a level of detail and in units and terms as determined necessary by the Director to adequately evaluate the plan:
 - 1. A statement of the purpose and objectives of the plan.
 - 2. A description of the strategies, methods, policies and procedures to prevent, minimize or reduce the introduction of pollutants into the user's discharge and to minimize waste generation.
 - 3. A description of the options available to the user to control accidental spillage, leaks and drainage.
 - 4. A description of best available or practicable control technologies available for the user's specific circumstances.
 - 5. A detailed facility layout and site diagram showing points of entry into the POTW.
 - 6. A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics.
 - 7. A description of operating and maintenance processes and procedures.
 - 8. Inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility.
 - 9. A description of employee training programs, policies and procedures; continuing education programs; and participation.
 - 10. A description of documentation, including record keeping and forms.
 - 11. A description of monitoring activities.

12. Information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.
 13. Certification by a qualified professional that the plan is adequate to prevent spills, leaks, slug loadings, or non-customary discharges of regulated substances, directly or indirectly, to the POTW.
 14. Such other information, documents or diagrams as required by the Director, including, but not limited to, any of the information required under Section 7.04 of this Ordinance.
- C. The BMPs or BMPP required of a user or approved for a user shall be incorporated in a User Permit issued to the user. If the user already has a User Permit, the existing permit may be modified to incorporate the BMP requirements. If the user does not currently have a User Permit, a permit shall be issued for that purpose.
- D. The Director may require revisions to users BMPP if the Director determines that the plan contains elements that are inadequate, or as otherwise determined necessary by the Director to ensure compliance with applicable requirements of this Ordinance. Review of a BMPP by the Director shall not relieve the user from the responsibility to modify its facility as necessary to comply with local, state and federal laws and regulations.

Section 16.08. FOG Interceptors; Alternative FOG Pretreatment Technology; Sand Traps.

- A. General Requirements Applicable To All FOG Interceptors; Alternative FOG Pretreatment Technology; and Sand Traps.
1. Any user required to install a FOG interceptor, an Alternative FOG Pretreatment Technology ("AFPT"), or a sand trap to prevent the discharge of fats, oils, grease, sand, or other materials to the POTW shall comply with the minimum requirements as provided by this Section or as otherwise specified by the Director.
 2. Interceptors, AFPTs, and traps that are required by this Section shall be provided, cleaned, maintained in proper operating condition, and kept in continuously efficient operation at all times, at the sole expense of the owner of the premises.
 3. All interceptors, AFPTs, and traps shall be of a design, type, construction, and capacity approved in advance by the Director.
 4. The installation of all interceptors, AFPTs, and traps shall be subject to the Director's review and approval.
 5. All interceptors, AFPTs, and traps shall be located so as to be readily and easily accessible for maintenance, cleaning and inspection.
 6. All users required to install and maintain an interceptor, AFPT, or trap shall develop and carry out a system of maintenance and cleaning for the interceptor, AFPT, or trap, and shall keep accurate, detailed written records of the following:
 - a. The maintenance and cleaning schedule;
 - b. The names of the persons who maintained and cleaned the interceptor, AFPT, or trap, and the dates that the interceptor, AFPT, or trap was maintained and cleaned; and
 - c. The method of cleaning and disposal location for removed materials for each maintenance and/or cleaning.
 7. At a minimum, all interceptors, AFPTs, and traps shall be inspected, cleaned and maintained according to the manufacturer's specifications or as otherwise provided by this Section, whichever requirements are more stringent, at the property owner's expense.
 8. All written records and documentation required to be kept by this Section with regard to interceptors, AFPTs, and traps shall be kept by the user on the premises for at least three (3) years and shall be available for review by the Director during all operating hours. The user shall provide copies of required records to the Director upon the Director's request at the user's sole cost.

9. Any problems with or damage to an interceptor, AFPT, or trap shall be reported immediately to the property owner and to the Director.
10. Any problems with or damage to an interceptor, AFPT, or trap shall be rectified and/or repaired immediately by the property owner at the owner's sole cost.
11. Interceptor, AFPT, or trap clean-out material, including, but not limited to, accumulated fats, oils, grease, and sand, shall not be discharged into the POTW.
12. Bacteriological, chemical, or enzymatic products shall not be used to maintain or clean interceptors, AFPTs, or traps.
13. The Director may require sampling and testing of the effluent from an interceptor, trap, or AFPT to verify that the effluent complies with applicable pretreatment standards and requirements. The sampling and testing shall be conducted using the protocols and on a frequency as specified by the Director.

B. Requirements For FOG Interceptors and AFPTs.

A FOG interceptor or AFPT shall be required for all food service establishments (FSEs), and may also be required for any other user, premises, or establishment determined by the Director to have a reasonable potential to adversely affect the POTW due to discharges of FOG.

1. Outdoor FOG Interceptors.

- a. **Outdoor FOG Interceptors Required.** All FSEs shall install, operate, and maintain an outdoor FOG interceptor of a type, design, construction, and size approved in advance by the POTW; provided that if the Director determines that installation of an outdoor FOG interceptor would not be economically and/or technically feasible due to existing circumstances unique to the premises in question, the Director may instead allow the installation of Alternative FOG Pretreatment Technology as provided by Section 16.08(B)(2). In all cases, the user shall bear the burden of demonstrating to the Director, at the user's sole cost, that the installation of an outdoor FOG interceptor is not feasible and that an alternative FOG pretreatment technology should instead be allowed.
- b. **Compliance Schedule.**

Existing FSEs/Users: Any FSE discharging into the POTW as of the effective date of this Ordinance (and any other existing user determined by the Director to have a reasonable potential to adversely affect the POTW due to discharges of FOG) shall, upon notification from the Director, submit plans for an outdoor FOG interceptor for approval by the Director, and shall install and begin operation of the interceptor, in compliance with the schedule specified by the Director.

New FSEs/Users: Any FSE that proposes to commence discharging into the POTW after the effective date of this Ordinance (and any other new user determined by the Director to have a reasonable potential to adversely affect the POTW due to discharges of FOG) shall submit plans for an outdoor FOG interceptor to the Director for the Director's approval, and shall install and begin operation of the interceptor in compliance with the schedule specified by the Director. In all cases, the interceptor plans must be approved by the Director prior to submitting plans to the Local Unit for a building permit; and the Local Unit shall not issue a building permit for the premises until the POTW has approved the proposed interceptor plans. Further, the Local Unit shall not issue a certificate of occupancy for the premises until the interceptor has been installed and deemed acceptable by the Director.

- c. **Minimum Design and Installation Requirements For Outdoor FOG Interceptors.** Outdoor FOG interceptors shall comply with all of the following minimum design and installation requirements and with other requirements under applicable WRC regulations:
 - i. The interceptor shall provide a minimum capacity of 1500 gallons, unless the Director determines that a smaller minimum capacity is adequate for the premises.
 - ii. The interceptor shall have a minimum of two compartments with fittings designed for FOG retention.

- iii. The interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.
 - iv. The interceptor shall be installed at a location, subject to the prior approval of the Director, where it can be easily accessible for inspection, cleaning, and removal of intercepted FOG, but shall not be located in any part of a building where food is handled.
 - v. Access manholes, with a minimum diameter of 24 inches, shall be provided over each outdoor FOG interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade, and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, FOG removal, and sampling which, when bolted into place, shall be gastight and watertight.
- d. Minimum Inspection, Maintenance, and Cleaning Requirements for Outdoor FOG Interceptors. Outdoor FOG interceptors shall comply with all of the following minimum maintenance, cleaning, and inspection requirements:
- i. At a minimum, an outdoor FOG interceptor shall be inspected monthly by the property owner or operator, or more often if dictated by site-specific conditions or if required more frequently by the Director.
 - ii. Pump-out of all accumulated FOG, water, and sludge shall occur quarterly at a minimum, or more often if the combined height of floatables and settled solids (including both the top and bottom layers of solids) exceed 25% of any interceptor compartment operating depth; if there is a visible discharge of FOG; or if required more frequently by the Director. The operating depth of a trap shall be determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.
 - iii. Each pump-out of the interceptor shall be complete and remove all contents, including removal of the entire grease mat, liquids, sludges, and solids from screens, baffles, air-relief chambers, and wash down of interior walls. The interceptor shall be refilled with clear water before being returned to service.
 - iv. The interceptor shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could reduce the effective volume for FOG and sludge accumulation.
 - v. Water removed during pump-out shall not be returned to the interceptor, and accumulated FOG and sludge shall not be re- introduced into any drainage piping leading to the public sewer.
 - vi. Sanitary wastes shall not be discharged to sewer lines serviced by an outdoor FOG interceptor without specific prior approval by the Director.
 - vii. The pump-out operation and disposal of the accumulated FOG, water, and sludge shall be done only by a licensed contractor and shall be witnessed by the property owner or operator. The Director shall be notified prior to any scheduled pump-out so that the operation can be witnessed by the Director, if desired.
2. Alternative FOG Pretreatment Technology.

If the Director determines that installation of an outdoor FOG interceptor is not required as provided by Section 16.08(B)(1)(a), then the Director may instead authorize the installation of an Alternative FOG Pretreatment Technology ("AFPT") approved by the Director as provided by this Section.

The design, type, construction, capacity, installation, operation, and maintenance requirements for an AFPT for a user's proposed or existing discharge shall be as determined by the Director based on nature of the discharge and the unique circumstances applicable to the premises in question.

- a. Indoor Grease Traps. If the AFPT approved by the Director is an indoor grease trap, the following requirements shall apply:
 - i. Indoor grease traps shall be installed in all waste lines from sinks, drains, and other fixtures or equipment where grease may be discharged to the POTW; provided that no food waste disposal unit, dishwasher,

wastewater or other liquid in excess of 140 degrees Fahrenheit (60 degrees Centigrade) shall be discharged into an indoor grease trap. Further, no acidic or caustic cleaners shall be discharged into an indoor grease trap.

- ii. Traps shall never be operated without the flow restrictor supplied by the unit's manufacturer.
 - iii. Sizing and installation of the indoor grease traps shall be subject to the POTW's prior review and approval.
 - iv. Traps shall be inspected and cleaned at least once per week, or more often if dictated by site-specific conditions, as needed to be maintained in fully functional and efficient operation, or as otherwise specifically required by the Director.
 - v. FSEs with indoor grease traps shall employ kitchen Best Management Practices (BMPs) for pre-cleaning of plates, pots, pans, and similar methods to minimize grease loadings to the drainage system. Kitchen BMPs for FSEs shall include, without limitation, dry wiping of pots and pans prior to washing, use of absorbents on grease spills prior to mopping, posting of "No Grease" signage on all sinks and drains not connected to an interceptor or trap, training of personnel on BMPs, and other practices as determined appropriate by the Director.
- b. Other AFPT. If the proposed AFPT is a technology other than indoor grease traps, the FSE shall submit design plans, installation details, and operation and maintenance procedures to the Director for prior review and approval.

C. Sand and FOG Interceptors and Traps.

Notwithstanding any provision of Sections 16.08 (A) and (B), above, sand and FOG interceptors and/or traps may be required by the Director in any premises where the Director has determined that there is a reasonable potential for sand, fats, oil, grease, flammable wastes, or other harmful ingredients to enter the premise's discharges. The Director may require the premises to install an interceptor or trap of a type and size as determined appropriate by the Director. Interceptors and traps shall be required for all premises engaged in the washing of motor vehicles.

D. Failure to comply.

1. The Director and/or the Local Unit shall have the right to enter and inspect any premises where an interceptor, AFPT, or trap is required to be installed for purposes of determining compliance with the requirements of this Section and as otherwise provided by Section 17.01 of this Ordinance.
2. If a user fails to provide or maintain a required interceptor/AFPT, the Director may do so (or cause the same to be done) and charge all of the costs to the user.
3. The failure of any premises where an interceptor/AFPT is required to comply with this Section may subject the violator to enforcement action and the remedies that are available by law and the terms of this Ordinance, including, but not limited to, termination of the discharges from the premises to the POTW.

E. Permits.

The Director may issue and/or require user discharge permits for any user discharging FOG or sand to the POTW; provided that the provisions of this Section 16.08 shall apply whether or not a user discharge permit is issued. The user discharge permits may include requirements that are more stringent than, or in addition to, the requirements specified by this Section, as determined appropriate by the Director.

Section 16.09. Dental Amalgam; Amalgam Separators

A. Definitions. For purposes of this Section 16.09 only, the following definitions shall apply.

"Amalgam separator" means a device designed to remove dental amalgam waste particles from dental office wastewater.

"Code" means the Michigan Public Health Code, 1978 PA 368, MCL 333.1101 to 333.25211. Terms defined in the Code have the same meanings when used in this Section 16.09.

“Dental amalgam” means a mixture of mercury and other metals used as a dental restorative material.

“Dental amalgam waste” means waste from a dental office containing any of the following: (1) Contact amalgam waste, which means dental amalgam that has been in contact with the patient including, but not limited to, extracted teeth with dental amalgam restorations; carving scrap collected at chair-side; and dental amalgam captured by chair-side traps, vacuum pump filters, amalgam separators, or other dental amalgam capture devices. (2) Non-contact amalgam scrap, which means dental amalgam that has not been in contact with the patient including, but not limited to, excess dental amalgam mix remaining at the end of a dental procedure. (3) Empty amalgam capsules, which means individually dosed containers left over after mixing precapsulated dental amalgam. (4) Dental amalgam that may have accumulated in the plumbing system or that is found in other areas of a dental office.

“Dental Discharger.” For purposes of compliance with Section 16.09(G) only, “Dental Discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by federal, state or local governments, that discharges wastewater the POTW.

“Dentist” means an individual licensed under MCL 333.16611 who uses or removes dental amalgam or who owns or operates a dental office that generates dental amalgam waste.

“Department” means the Michigan Department of Licensing and Regulatory Affairs.

“Discharge” means the release of any dental amalgam waste into the environment. This includes any releases to land, ground or surface waters, septic systems, or wastewater treatment systems.

“Holding tank” means a closed, watertight, sealed structure designed and used to receive and store wastewater. Holding tanks are designed and constructed for ultimate disposal of collected wastewater at another site.

B. Amalgam Separator; Installation and Operation; Requirements.

1. On or before December 31, 2013, a dentist shall install, or shall have installed, an amalgam separator on each wastewater drain in his or her dental office that is used to discharge dental amalgam waste. In addition to meeting the requirements of the Code and this Section 16.09, a dentist who is required to install an amalgam separator shall comply with all of the following:
 - a. Install an amalgam separator that meets the requirements of Section 16.09(C).
 - b. Install, operate, and maintain the amalgam separator according to the manufacturer’s instructions.
 - c. Ensure the installed amalgam separator is properly sized to accommodate maximum dental amalgam wastewater flow rates at the dental office. The maximum allowable flow rate through an amalgam separator at a dental office shall not exceed the maximum flow rate capacity at which the amalgam separator was tested under Section 16.09(C)(1)(a).
 - d. Ensure that all wastewater from the dental office containing dental amalgam waste passes through an installed and properly functioning and maintained amalgam separator before being discharged.
2. Section 16.09(B)(1) shall not apply to any of the following: oral and maxillofacial surgeons; oral and maxillofacial radiologists; oral pathologists; orthodontists; periodontists; dentists while providing services in a dental school, in a hospital, or through a local health department; and dentists who install and use a holding tank and do not discharge amalgam waste.

C. Amalgam separator; Requirements.

1. An amalgam separator that is installed in a dental office under Section 16.09(B) shall meet all of the following requirements:
 - a. Be certified as passing the International Organization for Standardization (ISO) 11143:2008 standard for evaluating amalgam separators.

- b. Have a removal efficiency of not less than 95% as determined by the testing required under Section 16.09(C)(1)(a), based on the overall average of the 3 empty and the 3 simulated full test results.
 - c. Be tested and certified by any of the following: (i) SP technical research institute of Sweden; (ii) Tuv nord, Germany; (iii) NSF international; or (iv) both of the following: a testing laboratory accredited by an accreditation body that is a signatory to the international laboratory accreditation cooperation's mutual recognition arrangement and has a scope of accreditation that includes ISO 11143; and a certification body accredited by an accreditation body that is a signatory to the international accreditation forum's multilateral recognition arrangement and has a scope of accreditation that includes ISO 11143.
2. Any amalgam separator that meets the requirements of Section 16.09(C)(1) shall qualify as an amalgam separator approved by the Michigan Board of Dentistry.

D. Collection, disposal, and recycling of dental amalgam waste; requirements.

1. A dentist shall comply with all of the following:
- a. Use amalgam only in a precapsulated form.
 - b. Salvage, store, and recycle non-contact and contact dental amalgam materials, including empty amalgam capsules. As used in this Section 16.09(D) and Section 16.09(E), "recycle" or "recycling" means sending mercury or dental amalgam waste to either the contracted separator company or a facility in the United States that will reclaim or distill the mercury for reuse. "Recycle" or "recycling" shall not include any of the following:
 - i. the on-site processing of mercury or dental amalgam waste;
 - ii. the sale, donation, or exchange of mercury or dental amalgam waste through internet lists; or
 - iii. the sale or donation of mercury or dental amalgam waste to any individual or company for any other reuse purpose.
 - c. Collect and recycle extracted teeth or portions of teeth that contain dental amalgam materials.
 - d. Store all dental amalgam waste in enclosed and structurally sound containers until a sufficient amount has been collected for shipment to a reclamation facility or recycler or at a minimum, recycled annually.
 - e. Label all containers holding dental amalgam waste. The label shall include, at a minimum, the title "dental amalgam waste for recycling" and the date the waste was initially placed in the container.
 - f. Use chair-side traps to retain amalgam and recycle the content.
 - g. Recycle all amalgam materials collected in amalgam separators, vacuum pump filters, chair-side traps or other waste water processing devices.
 - h. Ensure that the separators operate properly and do not become full and bypass. This may include inspecting the separators annually, halfway through the operating life, or as required by the manufacturer.
 - i. Follow the steps for the cleanup of mercury spills at schools and businesses as recommended by the Department at www.michigan.gov/mercury (or at such other location that such information may hereafter be provided by the Department).
2. A dentist shall not do any of the following:
- a. Store bulk elemental mercury that is not in capsule form.
 - b. Put dental amalgam waste down a toilet or drain.
 - c. Put dental amalgam waste or empty amalgam capsules into trash containers, or biohazard or infectious waste bags.

- d. Disinfect teeth or any item containing dental amalgam by autoclaving or using heat.
 - e. Use cleaners containing bleach or chlorine to flush drains or wastewater lines.
 - 3. A dentist shall train and have written procedures for training dental office staff who manage or dispose of dental amalgam waste to ensure compliance with this rule.
 - 4. This Section 16.09(D) shall not apply to a dentist listed in 16.09(B)(2). A dentist who installs and uses a holding tank and does not discharge amalgam waste shall comply with the requirements of Sections 16.09(D)(1), (2), and (3), as applicable.
- E. Record keeping.
- 1. A dentist who is subject to the provisions of Section 16.09(B)(1) shall maintain records at his or her dental office that include all of the following:
 - a. Type of amalgam separator installed, including the manufacturer and model.
 - b. Date the amalgam separator became operational.
 - c. Documentation verifying that the amalgam separator meets the requirements of Section 16.09(C).
 - d. Documentation of the manufacturer's instructions for the operation and maintenance of the amalgam separator.
 - e. Service records for each amalgam separator in use at the dental office that includes all of the following: (i) dates of maintenance; (ii) dates separator contents were recycled; and (iii) name of the staff or contractor performing the service.
 - f. Documentation verifying that the dentist disposed of and recycled any dental amalgam waste that was generated from the individual's dental office consistent with the requirements of Section 16.09(D). The documentation shall include all of the following: (i) name and address of the collection service or recycler; (ii) amount by weight of dental amalgam waste that was collected and the date it was collected or shipped from the dental office for recycling; (iii) name and address of the facility where the dental amalgam waste will be recycled; and (iv) shipping or manifest papers documenting transfer of the dental amalgam waste to the recycler.
 - 2. The records required under Section 16.09(E)(1) shall be provided upon request to an authorized state official, local public health department staff, or representative of the Drainage District, including, but not limited to, the Director.
 - 3. All records required under Section 16.09(E)(1) shall be retained for a minimum of three (3) years.
- F. Verification. Upon the request of the Director, a dentist who is subject to the provisions of 16.09(B)(1) shall verify in writing that he or she is in compliance with this Section 16.09 and shall provide the amalgam separator make and year that each separator was installed.
- G. Federal Dental Office Point Source Category Requirements.
- 1. Dental Dischargers subject to 40 CFR Part 441 ("Dental Office Point Source Category") as provided by 40 CFR 441.10 shall comply with all applicable requirements of 40 CFR Part 441, by the compliance deadlines stated by those regulations, including but not limited to, the dental office pretreatment standards, best management practices, and reporting and recordkeeping requirements provided by 40 CFR 441.30, 40 CFR 441.40, and 40 CFR 441.50.
 - 2. One Time Compliance Report ("OTCR"). Dental Dischargers subject to 40 CFR Part 441 as provided by 40 CFR 441.10 shall comply with the following requirements in connection with submittal of OTCRs to the POTW:
 - a. Deadlines. For existing sources, an OTCR must be submitted to the POTW no later than October 12, 2020, or 90 days after a transfer of ownership. For new sources, an OTCR must be submitted to the POTW no later than 90 days following the introduction of wastewater into the POTW.

- b. Signature and certification. The OTCR must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(l).
 - c. Contents. The OTCR shall the information and certifications required by 40 CFR 441.50(a)(3).
 - d. Transfer of ownership. If a dental discharger transfers ownership of the facility, the new owner must submit a new OTCR to the POTW no later than 90 days after the transfer.
 - e. Retention period. As long as a Dental Discharger subject to this part is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the Dental Discharger must maintain the OTCR and make it available for inspection in either physical or electronic form for the periods specified by 40 CFR 441.50(a)(5).
- 3. Additional Recordkeeping and Retention Requirements. Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years, the documentation as provided by 40 CFR 441.50(b).
 - 4. Interaction with State and Local Dental Amalgam Requirements. The requirements of 40 CFR Part 441 are incremental to state and local dental amalgam requirements, including, but not limited to, the requirements of this Article and of MCL Section 333.16631 (Michigan Public Health Code, 1978 PA 368, as amended). If 40 CFR Part 441 contains requirements applicable to dental amalgam that are more stringent than, or are in addition to, state and local dental amalgam requirements, the more stringent and additional requirements of 40 CFR Part 441 shall control.
- H. Compliance and enforcement. Failure to comply with the requirements of this Section 16.09 is a violation of this Ordinance and may result in sanctions as provided by this Ordinance, or as otherwise provided for by applicable local, state, and federal laws and regulations.
 - I. Permits. The Director may issue and/or require user discharge permits for any dentist who uses or removes dental amalgam or who owns or operates a dental office that generates dental amalgam waste; provided that the provisions of this Section 16.09 shall apply whether or not a user discharge permit is issued. The user discharge permits may include any conditions and requirements that are consistent with the provisions of this Section 16.09 and as provided by applicable state or federal laws and regulations, as determined appropriate by the Director.

Section 16.10. Additional Pretreatment Measures

The POTW may require users to take additional pretreatment measures, as determined necessary by the POTW, including, but not limited to, the following:

- A. Whenever deemed necessary, the POTW may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The POTW may require any person discharging into the POTW to install and continually maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow, subject to approval by the POTW.
- C. Users with the reasonable potential to discharge explosive or flammable substances may be required to install and maintain an approved explosion hazard meter, combustible gas detection meter, or similar device, as determined appropriate by the Director.

DIVISION 17. ENFORCEMENT**Section 17.01. POTW Inspection, Surveillance and Monitoring Authority; Right of Entry**

- A. In general. The POTW is authorized to carry out all inspection, surveillance, sampling and monitoring activities and procedures, as necessary to determine, independent of information supplied by users or any other persons, compliance or noncompliance with applicable pretreatment standards and requirements, with this Ordinance, and with other applicable laws and regulations. This authority includes, without limitation, the authority:
1. To verify the completeness, accuracy and representativeness of self-monitoring data submitted by users.
 2. To determine compliance with the terms, conditions and requirements of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance.
 3. To support enforcement actions taken by the Director against non-compliant users.
 4. To determine if users have corrected problems identified in previous inspections.
 5. To identify which (and to what degree) users influence the quality of the POTW's influent, effluent and sludge quality.
 6. To evaluate the impacts of the POTW's influent on its treatment processes and receiving stream.
 7. To evaluate the need for revised local limits.
 8. To maintain current data on each user.
 9. To assess the adequacy of each user's self-monitoring program and User Permit.
 10. To provide a basis for establishing sampling and monitoring requirements for users.
 11. To evaluate the adequacy of each user's operation and maintenance activities on its pretreatment system.
 12. To assess the potential for spills and/or slug discharge control measures, and evaluate the effectiveness of spill and slug discharge control measures.
 13. To gather information for User Permit development.
 14. To evaluate compliance with existing enforcement actions.
 15. To require any user to submit one or more representative samples of the wastewater discharged or that the user proposes to discharge into the POTW.
 16. To determine compliance with requirements regarding implementation of best management practices; accidental discharge controls and protections; spill prevention or containment measures; and pollution prevention, minimization or reduction measures.
- B. Right of entry. The Director and other authorized representatives of the Drainage District and/ the Local Unit bearing proper credentials and identification are authorized to enter a User's premises (and any other person's premises, as determined necessary by the Director or the Local Unit) to conduct inspection, surveillance, and monitoring activities as necessary to determine compliance with this Ordinance, and in that regard shall have, without limitation, the following minimum authority:
1. To enter into any premises of any person in which a discharge source, treatment system or activity is located or in which records are required to be kept as provided by this Ordinance, for the purpose of inspecting, observing, measuring, sampling and testing the wastewater discharge, removing samples of wastewater for analysis, and inspecting and making copies of required records. This shall include the right to take photographs.

2. To set up and maintain on the person's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, or to require the person to do so, at the person's sole expense.
3. To randomly sample and analyze the discharge from any person or premises and conduct surveillance activities to identify occasional and continuing noncompliance with applicable standards and requirements. The POTW shall inspect and sample the discharge from each Significant Industrial User at least once a year.
4. To inspect any production, manufacturing, fabrication, or storage area where pollutants, subject to regulation under this Ordinance, could originate, be stored, or be discharged to the POTW.
5. To inspect conductors or other possible connections to the public sewer, including, but not limited to, building drains; building sewers; building downspouts; roof drains or leaders; cellar, yard, and area drains; foundation and footing drains; floor drains; sump pumps; drains from springs and swampy areas; manhole covers; damaged sewer structures; cross connections from storm sewers or storm drains; catch basins; building sewers, footing drains, connections to the public sewer
6. To enter all private properties through which the POTW, the Local Unit, or other governmental agency holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW or wastewater transmission facilities lying within the easement.

POTW representatives entering a person's premises for purposes authorized by this Ordinance shall comply with the person's plant safety requirements regarding such matters as entry into confined spaces, use of safety glasses, and hearing protection requirements, as requested by the person. Entry shall be commenced and completed as expeditiously as practicable, consistent with the purposes for which the entry was made.

- C. Access without delay required. Persons shall allow the POTW ready access at all times to all parts of the person's facility or premises where wastewater governed by this Ordinance is created, handled, conveyed, treated or discharged, or where any production, manufacturing, fabrication, or storage area where pollutants regulated under this Ordinance could originate, be stored, or be discharged to the POTW, or where wastewater records are kept, for the purposes of inspection, sampling, records examination, or in the performance of any of the POTW's duties. If a person has security measures in force that would require proper identification and clearance before entry into the premises by the Director, the person shall make necessary arrangements in advance with its security guards so that upon presentation of suitable identification, authorized representatives of the POTW (or authorized state or federal personnel) will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Upon arrival at a person's premises, POTW representatives shall inform the person or the person's employees that inspections, sampling, compliance monitoring, metering or other POTW procedures are to be performed and that the person has the right to accompany the POTW employee/representative during the performance of the person's duties.
- D. Refusal to allow entry. If a person refuses to permit access (or unreasonably delays access) to an authorized POTW representative or to permit the representative to obtain, take, and remove samples or make copies of documents or undertake other authorized inspection, surveillance and monitoring activities as provided by this Ordinance, the Director may order the termination of the discharge of wastewater to the POTW; order the person to permit access within a time certain; issue the person a notice of violation of this Section; or take other appropriate action as provided by this Ordinance and other applicable laws and regulations (including, but not limited to, seeking the issuance of a search warrant by a court of competent jurisdiction). Further, the refusal to permit access (or causing an unreasonable delay in access) as provided by this Section shall constitute a violation of this Ordinance.

Section 17.02. Notice of Violation

- A. Any person found to be violating a provision of this Ordinance may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The person shall, within the period of time stated in notice, permanently cease all violations. The notice of violation (NOV) shall be served and shall contain the information as provided by Section 17.04 of this Ordinance.
- B. Unless otherwise specified by the NOV, the following provisions shall apply: Within at least thirty (30) days of the date of the NOV, the person shall submit to the POTW a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of the required plan shall not in any way relieve the person of liability for any violations occurring before or after receipt of the Notice of Violation.

- C. Nothing in this Section shall limit the authority of the Director or the Local Unit to take any action, including emergency actions or any other enforcement action or the imposition of any fines, penalties and other sanctions and remedies as provided by this Ordinance, without first issuing a Notice of Violation, or otherwise require the Director or the Local Unit to first issue a Notice of Violation before initiating a civil or criminal action against a person for violating this Ordinance. Further, receipt, or non-receipt, of a Notice of Violation shall in no way relieve the affected user of any and all liability associated with any violation.
- D. Failure to comply with any term, condition, or requirement of a Notice of Violation shall constitute a separate violation of this Ordinance.

Section 17.03. Orders and Supplemental Enforcement Tools

The Director may issue an order to any person as determined by the Director to be appropriate under the circumstances, as provided by this Section. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single person.

- A. Service. An order shall be served upon a person and shall contain the information as provided by Section 17.04 of this Ordinance. However, orders to immediately cease and desist discharge, or to terminate sewer services, or other emergency orders where delay might endanger human health, the environment, or the POTW, may be oral and may be served by telephone, to be followed within five (5) days by written confirmation of the oral order by the Director.
- B. Types of Orders. The Director may issue the following types of orders:
 - 1. Order to Immediately Cease and Desist Discharge. The Director may issue an order to cease and desist from discharging any wastewater, pollutant, or discharge not in compliance with this Ordinance. The order shall have immediate effect if the Director determines that the actual or threatened discharge to the POTW presents, or may present, imminent or substantial endangerment to the health or welfare of persons or to the environment; or causes, or may cause, interference or pass through; or may cause the POTW to violate any term or condition of its NPDES permit. The Director shall implement whatever action is necessary to halt or prevent the discharge, including, but not limited to, emergency suspension of service. The person shall be assessed for any penalties, fines, charges, surcharges, expenses, or losses incurred due to the actual or threatened discharge of pollutants as provided by this Ordinance.
 - 2. Order to Cease Discharge Within a Time Certain. The Director may issue an order to cease and desist from discharging any wastewater, pollutant, or discharge not in compliance with this Ordinance by a certain time and date. The proposed time for remedial action shall be specified in the order. In addition to any other circumstances as determined appropriate by the Director, an order may be issued under this Section for the failure to pay applicable permit fees or to comply with any term of a User Permit.
 - 3. Order to Effect Pretreatment. The Director may issue an order to a user requiring the user to pretreat its discharge in accordance with this Ordinance. Any user subject to an order to pretreat shall prepare a plan to pretreat its discharge so that the discharge complies with the requirements of the order and this Ordinance. The plan shall be submitted to the Director within a reasonable period as specified in the order. The plan shall be prepared in accordance with good engineering practice and shall state whether construction is necessary, as well as identify measures that can be completed without construction. The plan shall contain a schedule of compliance for completion of each of the various phases necessary to implement full pretreatment. The schedule of compliance must be approved by the Director. The schedule of compliance shall consist of one or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to compliance with an effluent standard, or other prohibition or standard. The following steps or phases shall be included in the schedule of compliance as determined necessary by the Director:
 - a. Retain a qualified engineer and/or consultant.
 - b. Obtain any engineering or scientific investigation or surveys deemed necessary.
 - c. Prepare and submit a preliminary plan to achieve pretreatment.
 - d. Prepare plans and specifications, working drawings, or other engineering or architectural documents that may be necessary to effect pretreatment.

- e. Establish a time to let any contract necessary for any construction.
 - f. Establish completion times for any construction necessary.
 - g. Establish a time limit to complete full pretreatment pursuant to the final order.
 - h. If a phase or unit of construction or implementation may be affected independently of another phase or unit, establish separate timetables for the phases or unit.
4. Order to Affirmatively Respond. The Director may issue an order requiring a person to perform any action required under this Ordinance, including, without limitation, requiring a person to submit samples; to install sampling, metering and monitoring equipment; to submit reports; to permit access for inspection, sampling, testing, monitoring and investigations; to reduce or eliminate a discharge or pollutants in a discharge; or to pay permit fees or other applicable charges.
5. Order to Terminate Sewer Services. The Director may issue an order to terminate the sewer services of a user, including, but not limited to, immediate physical blockage of the user's sewer connection, for reasons including, without limitation, the following:
- a. A discharge that violates any general or specific discharge prohibition, including any pretreatment standard or requirement, and that reasonably appears to present an imminent endangerment to human health, the environment or the POTW.
 - b. Failure of a user to notify the POTW of any discharge as described in Section 17.03(B)(5)(a) of which the user was aware or reasonably should have been aware.
 - c. Failure of a user to sample, monitor, pretreat or report, or failure to install monitoring or pretreatment facilities, as required by an order of the Director.
 - d. A knowing, willful violation of any term, condition or requirement of an order or User Permit, or any provision of this Ordinance.
 - e. A negligent violation of any major term, condition or requirement of an order or User Permit. For purposes of this Section, a "major" term, condition or requirement is one the violation of which is reasonably likely to endanger human health, the environment, the POTW, or cause the POTW to violate its NPDES permit.

If the POTW determines that physical blockage is necessary, the POTW shall make a reasonable attempt to deliver to the person who appears to be in control of the user's facility a written notice describing the reason for the physical blockage order. After delivery of the notice (or after a reasonable attempt to deliver the notice, even if delivery was unsuccessful), the POTW may immediately install the physical blockage. No person shall remove or tamper with a physical blockage installed by the Director without prior written permission from the Director.

6. Order to Show Cause. The Director may issue an order requiring a person to appear and explain any noncompliance with the requirements of this Ordinance or any permit, order, decision or determination promulgated, issued or made under this Ordinance, and to show cause why proposed or more severe enforcement actions against the person should not go forward. A show cause hearing shall be held within ten (10) days after the order to show cause is issued, as follows:
- a. The Wastewater Board of Appeals shall conduct the hearing and take evidence. Notice of the hearing shall be provided to require the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.
 - b. Any testimony taken at the hearing shall be under oath and recorded. A copy of the transcript of the hearing shall be made available at cost to any person upon payment of applicable charges for the transcript.

- c. After reviewing the evidence taken at the hearing, the Wastewater Board of Appeals shall decide whether further enforcement action is required and, if so, the nature and extent of that further action, including, without limitation, the issuance of any order or imposition of any fines, fees, surcharges or penalties, as authorized by this Ordinance.
- C. Immediate Response To Order By User May Be Required. Any user issued an order as provided by this Section to immediately suspend its discharge to the POTW shall immediately stop or eliminate the discharge using whatever means are necessary to do so, or take any other action as required by the order. If the user fails to comply voluntarily with the order to immediately suspend its discharge, the POTW shall take any action determined necessary as authorized by this Ordinance, including, without limitation, immediate suspension of water service and/or severance of the sewer connection or commencement of judicial proceedings, to prevent or minimize damage to the POTW or endangerment to public health, safety or the environment. The POTW may reinstate the wastewater treatment service and terminate any judicial proceedings, as applicable, upon satisfactory proof or other demonstration by the user that the noncomplying discharge has been eliminated or will not reoccur. A detailed written statement submitted by the user describing the causes of the noncomplying discharge and the measures taken to prevent any further occurrence shall be submitted to the Director within fifteen (15) days of the occurrence.
- D. Noncompliance Due to Factors Beyond User's Control. If noncompliance with an order is unintentional and temporary and due to factors beyond the reasonable control of a user, and the user can demonstrate the conditions necessary for demonstration of an upset as provided by Section 11.01(A), the Director may modify the order or take other actions as determined appropriate. However, a user shall not be relieved of liability for noncompliance with an order to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- E. Amendment, Suspension and Revocation of Orders. An order shall be subject to amendment, suspension or revocation as determined appropriate by the Director. Notice of the amendment, suspension or revocation shall be served upon the person in the same manner as notice was provided for the original order. An amendment, suspension or revocation of an order shall be subject to the same procedures for review and appeal as the original issuance of the order, as provided by this Ordinance.
- F. Consent Orders and Agreements. The Director may enter into a consent order or agreement with a person to resolve disputed claims and address identified and potential deficiencies in the person's compliance status. The order or agreement shall be in the form of a written agreement with the person and may contain appropriate provisions, including, without limitation, compliance schedules and stipulated fines and remedial actions.
- G. POTW Authority to Require Financial Assurances. The Director may require any user to post a performance bond (or other form of surety acceptable to the Director) sufficient to cover expenses (direct and/or indirect) that might reasonably be incurred by the Director as a result of the user's discharges to the POTW (including, but not limited to, the costs to restore or repair any damage to the POTW) or sufficient to achieve consistent compliance with applicable laws and regulations, as determined necessary by the Director. Further, any person that has in the prior two (2) years been responsible for causing interference or pass through at the POTW may be required to obtain liability insurance sufficient to cover the reasonable costs of responding or restoring the POTW in the event of a second such incident. These financial assurance requirements may also be made conditions of a User Permit.
- H. Failure to comply with any term, condition, or requirement of an Order shall constitute a separate violation of this Ordinance.

Section 17.04. Service of Notices of Violations, Orders and Notices of Assessments

Except as otherwise expressly provided by this Ordinance, all orders, notices of violations, and notices of assessments shall be served upon persons and shall contain the information as provided by this Section.

- A. Service. Service shall be by personal delivery or certified mail (return receipt requested), addressed to the user, alleged violator or other person, as applicable, at the person's last known address as shown by the Director's records. The person served shall sign and date the order or notice and shall return the signed original copy to the Director; provided, that the failure to do so shall not affect in any way the person's obligation to comply with the order or notice. Further, a notice or order served by mail may not actually be received by the person, but this shall not nullify in any way any enforcement action subsequently taken by the POTW against the person under authority of this Ordinance. Receipt, or non-receipt, of a notice or order shall not in any way relieve the affected person of any liability associated with the violation. Further, the

issuance of a notice or order will not be a bar against, or a prerequisite for, any other enforcement actions by the Director against the affected person.

- B. Contents. All orders and notices shall contain at least the following information, to the extent known by the POTW and as determined by the POTW to be applicable to the situation:
1. The name and address of the violator;
 2. The location and time that the violation occurred or was observed, and the duration of the violation;
 3. The nature of the violation, including the provisions of this Ordinance or of any permit, order, decision, determination or agreement violated;
 4. The basis for determining that a violation has occurred (personal observation, pollutant analysis, etc.);
 5. The amount of the fine, penalty, cost, or charge assessed or due, if any;
 6. The manner in which, and time and date by which, any fine, penalty, cost, or charge must be paid, including any penalty or charge for late payment;
 7. The remedial action ordered, the time within which required actions must be taken, and any consequences for failure to do so.
 8. The right to appeal the issuance of the order or notice and a summary of the procedures for appeal, or other applicable administrative procedures.
 9. The date and time the order or notice was issued.
- C. Request for Additional Information. A person served may request additional information from the Director regarding the contents or requirements of any order or notice. However, a request for additional information shall not extend the time for compliance with an order or notice.

Section 17.05. Publication of Users in Significant Noncompliance

The POTW shall publish once per year in the largest newspaper circulated in the Local Unit, a list of Nondomestic Users that, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards or requirements. For the purposes of this Section, a user shall be considered to be in significant noncompliance if its violations meet one or more of the following criteria:

- A. Chronic violation of discharge limits, defined as results of analyses in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter;
- B. Technical review criteria (TRC) violations, defined as results of analyses in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits, times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except pH);
- C. Any other violation of a pretreatment effluent limit (instantaneous minimum, instantaneous maximum, daily maximum, or long-term average, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Department personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent the discharge;
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;

- F. Failure to provide any required reports within thirty (30) days after the due date;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations, which may include a violation of Best Management Practices, that the Director determines will adversely affect the POTW or the operation or implementation of the POTW's pretreatment program.

Section 17.06. Municipal Civil Infractions

- A. Violation; Municipal Civil Infraction. Except as provided by Section 17.07, and notwithstanding any other provision of the Local Unit's laws, ordinances and regulations to the contrary, a person who violates or fails to comply with any provision of this Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this Ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions.
- B. Repeat Offenses; Increased Fines. Increased fines may be imposed for repeat offenses. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (i) committed by a person within any one-year period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - 1. The fine for any offense that is a first repeat offense shall be not less than \$2,500.00, plus costs and other sanctions.
 - 2. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00, plus costs and other sanctions.
- C. Amount of Fines. Subject to the minimum fine amounts specified in Sections 17.06(A) and 17.06(B), the following factors shall be considered by the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Ordinance: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.
- D. Authorized Local Official. Notwithstanding any other provision of the Local Unit's laws, ordinances and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in district court for violations of this Ordinance (or, if applicable, to issue municipal civil infraction notices directing alleged violators to appear at a municipal ordinance violations bureau): the Director, the CRWRRF Superintendent, any sworn law enforcement officer, and any other persons so designated by the Director or the Local Unit.
- E. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the Local Unit and/or the Director may ask the District Court to issue and enforce any judgment, writ, or order, including injunctive or other equitable relief, necessary to enforce this Ordinance, as authorized by state law.
- F. Other Requirements and Procedures. Except as otherwise provided by this Section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Article X of Chapter 86 the Pontiac Municipal Code and Act No. 236 of the Public Acts of 1961, as amended.
- G. This Section shall not affect the sections provided for by any state or local law for a violator's failure to comply with a judgment of the District Court, nor shall this Section in any way limit or restrict the authority of the court to enforce its orders by appropriate sanctions or actions. This Section shall not restrict, limit or bar any action permitted under any other provision of law.

Section 17.07. Criminal Penalties; Imprisonment

Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than ninety-three (93) days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to ninety-three (93) days, or both in the discretion of the court.

Section 17.08. Continuing Violation

Each act of violation, and each day or portion of a day that a violation of this Ordinance (or of any permit, order, notice or agreement issued or entered into under this Ordinance) exists, occurs, or continues constitutes a separate and distinct violation subject to the fines, penalties and other sanctions and remedies as provided by this Ordinance.

Section 17.09. Number of Violations

The number of violations resulting from a user's noncompliance with applicable discharge prohibitions or effluent limitations shall be determined as follows:

- A. Applicable concentration limitations and mass (or loading) limitations shall be treated as separate limitations, and a user may be liable and penalized separately for exceeding any of those limitations for a single pollutant or sampling parameter.
- B. Each violation of a daily maximum limit for a single pollutant or sampling parameter shall constitute a separate violation for each day on which the violation occurs or continues.
- C. Each violation of an instantaneous minimum or instantaneous maximum limit for a single pollutant or sampling parameter shall constitute a separate violation for each such occurrence, and there may be multiple violations for each day on which such a violation occurs or continues.
- D. Each violation of a monthly average limit (or of some other average limit period) for a single pollutant or sampling parameter shall constitute a separate violation for each day of the month (or other stated period) during which the violation occurred, regardless of the number of days on which samples were actually taken. (For example, in a month with thirty-one (31) days, a violation of the monthly average limit for that month constitutes thirty-one (31) violations for each pollutant parameter for which the monthly average limit was exceeded during the month.)
- E. Except with regard to violations of average limits as provided by Section 17.09(D), a violation will be deemed to have continued to occur each day beginning with the first day the violation occurred to the day the user is able to demonstrate through appropriate sampling results that the violation is no longer occurring.
- F. If for any period a user has violated both a daily maximum limit and an average limit for a particular pollutant parameter, then the total number of violations is the sum of the days on which the daily maximum limit was violated plus the number of days in the averaging period.
- G. If a User Permit regulates more than one outfall, each outfall shall be considered separately in computing the number of violations as provided by this Section.
- H. If a user is discharging a wastestream that is required to be monitored and analyzed under continuous monitoring procedures, then all of the following shall apply:
 - 1. If at any time during a daily 24-hour period the continuous monitoring shows that the monitored parameter exceeded the instantaneous minimum, instantaneous maximum, or daily maximum limit for that parameter, then a violation has occurred.

2. If during a daily 24-hour period under continuous monitoring the monitored parameter exceeds the instantaneous minimum or instantaneous maximum, during that period, then each such exceedance shall be considered a separate violation.
 3. If during a daily 24-hour period under continuous monitoring the monitored parameter exceeds the instantaneous minimum, instantaneous maximum, or daily limit into the next daily 24-hour period (i.e., the exceedance occurs both before and after midnight), then the exceedance will be considered a separate violation on both days.
- I. One (1) violation occurs on: each day that a report is late; and each day after an action required to be completed is not completed.

Section 17.10. Nuisance

A violation of this Ordinance, or of any permit, order, notice or agreement issued or entered into under this Ordinance, is deemed to be a public nuisance and shall be corrected or abated as directed by the Director and/or the Local Unit. In addition to any other legal or equitable remedies available under the law, any person creating a public nuisance shall be subject to the provisions of state law, this Ordinance, or other ordinance of the Local Unit governing such nuisances, including reimbursing the Director, the Drainage District, the WRC, and/or the Local Unit, as applicable, for any costs incurred in removing, abating, or remedying said nuisance, as applicable.

Section 17.11. Reimbursement

- A. Any person who discharges to the POTW (including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction, or otherwise damages, injures, or impairs the POTW, or causes or contributes to a violation of any federal, state or local law governing the POTW, whether any such act is intentional or unintentional) shall be liable to and shall fully reimburse the Director, Drainage District, the WRC, and/or the Local Unit, as applicable, for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Director, Drainage District, the WRC, and/or the Local Unit, as applicable, as a result of or associated with any such discharge, deposit, obstruction, damage, injury, impairment, violation, exceedance, noncompliance, or act. The costs that must be reimbursed as provided by this Section shall include, but shall not be limited to, all of the following:
1. All costs incurred in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, or noncompliance.
 2. All costs of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, or noncompliance.
 3. The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Director, the Drainage District, the WRC, and/or the Local Unit, as applicable, or any representative thereof, by any governmental agency or third party as a result of a violation of the Drainage District's NPDES permit (or other applicable law or regulation) that is caused by or contributed to by any discharge, violation, or noncompliance.
 4. The full value of any staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including legal counsel of the Director, the Drainage District, the WRC, and/or the Local Unit, as applicable, and any special legal counsel), court costs, court reporter's fees, and other litigation costs, associated with reviewing, responding to, investigating, verifying, and/or prosecuting any discharge, violation, or noncompliance or otherwise incurred by the Director, the Drainage District, the WRC, and/or the Local Unit, as applicable, in administering and enforcing the requirements of this Ordinance.

The Director, the Drainage District, the WRC, and/or the Local Unit, as applicable, are authorized to correct any violation of this Ordinance or damage or impairment caused to the POTW and to bill the person responsible for the damage for the full costs of repair (including, but not limited to, labor, equipment, materials, administrative expense, overhead, interest on borrowed funds, engineering, legal or other professional fees, and charges assessed by other utilities or departments).

The costs reimbursable under this Section shall be in addition to fees, amounts or other costs and expenses required to be paid by users under other Sections of this Ordinance.

- B. In determining the amounts to be reimbursed, factors including, but not limited to, the following may be considered:
1. The volume of the discharge.
 2. The length of time the discharge occurred.
 3. The composition of the discharge.
 4. The nature, extent, and degree of success the POTW may achieve in minimizing or mitigating the effect of the discharge.
 5. The toxicity, degradability, treatability and dispersal characteristics of the discharges.
 6. The direct and indirect costs incurred by the POTW, or imposed upon the POTW to treat the discharges, including sludge handling and disposal costs.
 7. Fines, assessments, levies, charges, expenses and penalties imposed upon and/or incurred by the POTW, including the POTW's costs of defense of actions, or suits brought or threatened against the POTW by governmental agencies or third parties.
 8. Such other factors, including the amount of any attorney's fees; engineering, consultant, and expert fees; expenses, costs, sampling and analytical fees; repairs; as deemed appropriate under the circumstances.
- C. Costs to be reimbursed to the Director, the Drainage District, the WRC, and/or the Local Unit, as applicable, as provided by this Section may be billed and collected from the user as provided by Section 22.06 of this Ordinance, or as otherwise determined appropriate by the Director in conjunction with an enforcement action.
- D. The failure by any person to pay any amounts required to be reimbursed as provided by this Section shall constitute an additional violation of this Ordinance.

Section 17.12. Review or Approval by Director or Local Unit

In no case shall the review and/or approval by Director or the Local Unit of a user's plans, specifications, or operating procedures entitle a user to relief from enforcement actions for failure to achieve compliance with the applicable pretreatment standards and requirements.

Section 17.13. Severance or Suspension of Sewer and/or Water Service

If a user violates or continues to violate any provision of this Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the Director under this Ordinance), or if the Director determines that the user's actual or proposed discharge may present an imminent or substantial endangerment to the health or welfare of persons or the environment, the Director may immediately, and without notice to the user, sever or suspend sewer and/or water service provided to the user (provided that termination of water service shall be done in conjunction with the Local Unit). If severed or suspended, the sewer and/or water service shall recommence only after the user has satisfactorily demonstrated to the Director the user's ability to comply with all applicable provisions of this Ordinance, and only at the user's sole expense.

Section 17.14. Judicial Relief

The Local Unit and/or the Director (in conjunction with the Local Unit's legal counsel) may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Local Unit or the Director may also seek collection of surcharges, fines, penalties and any other amounts due to Local Unit or the POTW, respectively, that a person has not paid.

Section 17.15. Cumulative Remedies

The imposition of a single penalty, fine, notice, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued or entered into under this Ordinance, shall not preclude (or be a prerequisite for) the imposition by the Director or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

Section 17.16. Acceptance and Acknowledgement

A person's act of discharging to the POTW constitutes the person's acknowledgment and acceptance of all terms, conditions, and requirements of this Ordinance, and any permit, order, or determination issued under this Ordinance.

DIVISION 18. ADMINISTRATIVE REVIEW AND APPEALS**Section 18.01. Procedures Available**

Any person aggrieved by a Notice of Violation, Order, final decision, final determination, or other final action taken by the CRWRRF Superintendent under this Ordinance may request an informal review and reconsideration of the action by the CRWRRF Superintendent as provided by this Division. Following the CRWRRF Superintendent's informal review and reconsideration, the person aggrieved may appeal the CRWRRF Superintendent's final decision to the Wastewater Board of Appeals ("WBA") as provided by this Division. The person requesting the appeal shall pay an appeal fee in the amount determined from time to time by the Director. The appeal fee shall be paid at the time that the request for informal review/reconsideration or appeal is requested. If a request for informal review and reconsideration by the CRWRRF Superintendent or an appeal to the WBA is not properly and timely requested as provided by this Division, including payment in full of the appeal fee and submission of all required supporting documents and information as provided by this Division, the right to request a review and/appeal shall be deemed waived and the action shall be deemed final.

Section 18.02. Informal Review and Reconsideration by the CRWRRF Superintendent

A request for a review and reconsideration by the CRWRRF Superintendent of an action taken by the CRWRRF Superintendent shall be made in writing within 10 calendar days from the date of the CRWRRF Superintendent's action in question. The request shall state the reasons for the review and shall include all supporting documents and dates. A hearing on the request shall be scheduled at the earliest practicable date as determined by the CRWRRF Superintendent, as applicable. The hearing shall be conducted by the CRWRRF Superintendent on an informal basis at the CRWRRF or at another location designated by the CRWRRF Superintendent. Following the informal hearing, the CRWRRF Superintendent may affirm or reverse, in whole or in part, the action appealed from, or may make any order, requirement, determination, or decision (these actions by the CRWRRF Superintendent are hereinafter collectively referred to as the Superintendent's "final decision") that in the CRWRRF Superintendent's opinion ought to be made in the case under consideration. The aggrieved person shall be notified of the CRWRRF Superintendent's final decision within 30 calendar days of the hearing. The CRWRRF Superintendent may request additional information and extend the time for the final decision by up to an additional 30 calendar days following the submission of all of the additional requested information. The CRWRRF Superintendent's final decision may be appealed to the WBA as provided by Section 18.03. All supporting documentation and information shall be provided solely by the person requesting the appeal (the "appellant"), at the appellant's sole cost.

Section 18.03. Appeal to Wastewater Board of Appeals

- A. The WBA shall be comprised of three members appointed from time to time by the Director. At least one of the members of the WBA shall be a Michigan licensed engineer. The Director may also be a member of the WBA. The WBA may adopt its own rules of procedure, and shall keep a record of its proceedings, showing findings of fact, the action of the WBA, and the vote of each member upon each question considered. The presence of two members of the WBA shall be necessary to constitute a quorum.
- B. The following provisions shall govern appeals of final decisions of the CRWRRF Superintendent made to the WBA under this Ordinance:

1. A request for an informal review and reconsideration leading to a final decision of the CRWRRF Superintendent as provided by Section 18.02 shall be required before an appeal of any action of the CRWRRF Superintendent may be made to the WBA as provided by this Section.
2. An appeal from any final decision of the CRWRRF Superintendent shall be made to the WBA within 10 calendar days from the date of the CRWRRF Superintendent's final decision being appealed. The appeal may be taken by any person aggrieved by the CRWRRF Superintendent's final decision. The appellant shall file a written notice of appeal with the WBA. The notice of appeal shall specify in detail the grounds for the appeal and shall be accompanied by a non-refundable appeal fee in the amount set from time to time by the WBA. Failure to file a timely notice of appeal shall be deemed to be a waiver of the right to appeal.
3. Prior to a hearing before the WBA regarding an appeal, the CRWRRF Superintendent shall transmit to the WBA a written summary of all previous action taken in connection with the final decision being appealed. The WBA may, at the WBA's discretion, request the CRWRRF Superintendent to provide further information regarding the final decision that is the subject of the appeal and may require the appellant to submit further documents and information in support of the appeal.
4. The WBA shall fix a reasonable time for the hearing of the appeal. Notice of the hearing shall be provided to the appellant at least 10 calendar days in advance of the hearing to require the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. The appellant shall submit an exhibit and witness list to the WBA at least 5 calendar days before the hearing or as otherwise directed by the WBA.
5. The WBA shall conduct the hearing. At the hearing, attorneys may represent the WBA and the appellant and they may file briefs, present evidence, and call, examine and cross-examine witnesses (provided that no party to the hearing shall be required to be represented by an attorney, and may represent himself/herself). Any testimony taken at the hearing shall be under oath and recorded unless the oath or recording are waived by agreement of the WBA and appellant. A copy of the transcript of the hearing (and/or a recording, if made) shall be made available at cost to any person upon payment of applicable charges for the transcription or recording.
6. The WBA shall admit all testimony having reasonable probative value and shall exclude irrelevant or unduly repetitious testimony, as determined by the WBA. The WBA shall not be bound by common law or statutory rules of evidence. The appellant shall have the burden of proof and persuasion for showing that the decision being appealed was clearly erroneous.
7. Within 30 days after the completion of the hearing, the WBA shall mail or otherwise deliver to the appellant a written decision granting, denying or modifying the final decision of the CRWRRF Superintendent that was the subject of the appeal. The decision of the WBA on the matter shall be final, and shall be a final determination for purposes of judicial review.

Section 18.04. Payment of Charges, Penalties, Fines, and Other Costs or Fees

All service charges, penalties, fines, fees, surcharges, costs, expenses, or other outstanding amounts during any review or appeal process shall be due and payable to the CRWRRF. Further, if the decision that was reviewed and/or appealed is upheld, the person that requested the review and/or appeal shall pay all of the costs incurred by the POTW in conducting the appeal, including, but not limited to, any applicable sampling and analytical costs, legal and engineering consultant costs, and costs of transcription and recording. If the decision that was reviewed and/or appealed is only partially upheld or reversed, upon resolution of the review and/or appeal, any amounts due and payable to the POTW shall be equitably adjusted accordingly, provided that any refunds of any amounts already paid to the POTW by the appellant shall be retroactive to the previous 4 monthly billings only. In no case shall any portion of the appeal fee be refunded. The POTW may terminate wastewater treatment services if a corrective course of action is not taken or if service charges, penalties, fines, fees, surcharges, costs, or expenses are not paid by a user.

Section 18.05. Finality of Action

If a review or appeal is not demanded as provided by this Section within the periods specified by this Section, the action in question shall be deemed final. If an appeal is properly demanded, the action appealed shall be suspended until a final determination has been made by the CRWRRF Superintendent or WBA, as applicable, except for orders to immediately cease

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and desist discharge; orders to terminate sewer services; other emergency orders or actions where a suspension or delay might endanger human health, the environment, or the POTW; and as otherwise expressly provided by this Ordinance (such as for permit appeals, Section 7.14).

Section 18.06. Appeals from Determination of WBA

Appeals from a final determination of the WBA may be made to a court of competent jurisdiction as provided by law. All findings of fact made by the WBA, if supported by the evidence, shall be deemed conclusive.

DIVISION 19. PROTECTION FROM DAMAGE

Section 19.01. Protection from Damage

It is a misdemeanor for any person to maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to ninety-three (93) days, or both in the discretion of the court; and shall be subject to other sanctions and remedies as provided by this Ordinance, including, but not limited to, reimbursement of the POTW as provided by Section 17.11 of this Ordinance.

DIVISION 20. MUNICIPAL LIABILITY

Section 20.01. Municipal Liability; Disruption of Service

Neither the Local Unit, the Director, the WRC, the County, or the Drainage District (including, but not limited to, their respective staff, employees, and officials) shall be held responsible for claims made against any or all of them for interruptions of service due to natural calamities, equipment failures, or the actions of users; or by reason of the breaking of any sewer or building sewer; or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption. It shall be the user's responsibility that all connected equipment remain in good working order so as not to cause disruption of service of any sewer or treatment plant equipment.

DIVISION 21. USE OF PUBLIC SEWERS CONDITIONAL

Section 21.01. Use of Public Sewers Conditional

The use of the public sewer is conditional upon the user complying with all applicable provisions of this Ordinance, the rules and regulations promulgated pursuant to this Ordinance, User Permits and all other applicable Federal, State and local laws, rules, regulations, standards and requirements. Use of the public sewer is also conditional upon the payment of all applicable charges, surcharges, rates, fees and penalties.

DIVISION 22. INDUSTRIAL PRETREATMENT PROGRAM FEES

Section 22.01. Purpose

It is a purpose of this Ordinance to provide for the recovery from users of the POTW of all costs incurred by the Director, the Drainage District, and/or the WRC, as applicable for the administration and implementation by the Director of the industrial pretreatment program (IPP) established by this Ordinance. The IPP fees provided for by this Section are separate from, and in addition to, amounts chargeable to users for sewage disposal services by the POTW or the Local Unit, and costs required to be reimbursed to the POTW or the Local Unit under any other provisions of this Ordinance or other laws and regulations.

Section 22.02. IPP Fees

IPP fees payable by users shall be established by the Director, and shall be subject to amendment or revision by the Director from time to time. Such fees shall be sufficient to meet the costs to administer and implement the Drainage District's IPP and

any associated regulations and written procedures as provided by this Ordinance and authorized by applicable law. IPP fees may include, but shall not be limited to, any of the following:

- A. Fees to reimburse the Director for the costs of development and operation of an Industrial Pretreatment Program, and fees to reimburse the Director for monitoring, metering, inspections and surveillance procedures, including expenses incurred for taking and analysis of samples.
- B. Fees for reviewing discharge reports, and for related enforcement procedures.
- C. Fees associated with permit applications, permit renewals, and permit transfers.
- D. Fees for reviewing accidental discharge procedures and construction.
- E. Fees for appeals filed under this Ordinance.
- F. Such other charges or fees that the Director deems necessary or required to fully perform the provisions of applicable state and federal laws or regulations, this Ordinance, and other rules, regulations, or requirements established by the Director.

Section 22.03. IPP Fee Amounts

A. IPP fees shall be paid by users to the Director in amounts determined necessary by the Director from time to time to reimburse the Director for all costs and expenses incurred by the Director in administering the IPP. To the extent practical, the fees shall be set in an amount to include at least the Director's average total costs for that purpose. If determined appropriate by the Director, IPP fee amounts may be based on the quantity and quality of Nondomestic wastewater being discharged by users or classes of users. With regard to IPP activities undertaken by the Director with regard to particular users, the fees shall be charged to the users on a time and materials basis, including, but not limited to, the full value of any Director's staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, testing fees, and actual attorney fees and defense costs, plus general administrative expenses, based on the nature and requirements of the IPP activities undertaken for each user.

B. If the Director determines that it is necessary to evaluate the ability or capacity of the POTW to accept any current or proposed discharge by means, including, but not limited to, a headworks analysis or treatability study, all such evaluation and analysis or other required work shall be at the sole cost of the user. Such costs shall be paid in full by the user according to the timetable and subject to any terms or conditions established by the Director, and shall be paid whether or not the discharge (or any part thereof) is ultimately approved. The Director may require the user to post a deposit or other form of surety, as determined sufficient and appropriate by the Director, to ensure payment by the user of all such costs.

Section 22.04. Surcharges

- A. Surcharges are intended to reimburse the CRWRRF for all costs incurred by the CRWRRF in handling or treating a discharge that contains pollutants in excess of specified surcharge concentrations, loadings or other applicable limits. These costs may include, but are not limited to, the actual cost of treatment including chemical, equipment, and personnel costs, including administrative and overhead costs.
- B. Any user exceeding applicable surcharge limitations shall be subject to the imposition of one or more surcharges as provided by this Section to reimburse the CRWRRF for any costs or expenses, direct or indirect, the CRWRRF may incur in handling or treating the discharge, or which may be imposed upon the CRWRRF, where the exceedance of applicable limits causes or contributes to those costs or expenses. Surcharges shall be in addition to any fine or penalty of exceeding other applicable discharge standards or requirements.
- C. The Director may establish surcharge rates for BOD, COD, Ammonia-N, TKN, phosphorus, and TSS and any other pollutant parameter for which a surcharge is determined appropriate by the Director. These rates shall be reviewed, calculated and determined from time to time, as determined appropriate by the Director.
- D. All violations of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements shall constitute a violation of this Ordinance, subject to applicable fines, penalties and other enforcement actions provided by this Ordinance. In no event shall the imposition of a surcharge for a discharge that does

not meet the applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this Ordinance.

- E. The applicable surcharge shall be assessed for all discharges during the entire period beginning with the first sample results that exceed the surcharge threshold limit and continuing until sample results are obtained which do not exceed the surcharge threshold limit, as determined by the Director. The cost and responsibility to demonstrate that a discharge no longer exceeds the surcharge threshold shall be borne solely by the User.

Section 22.05. Billing and Collection of IPP Fees

- A. User Permit application fees shall be due and payable to the Director upon submission of permit applications. Except as otherwise required by the Director, all other IPP fees, surcharges, reimbursable costs, and other amounts assessed against a user shall be billed monthly and shall be due as of the date of billing. Payments shall be made at the office of the Director or at such other place as the Director designates.
- B. A late payment charge of ten percent of the balance due shall be added to all delinquent payments. If the delinquent fees, penalties and charges are not paid within 30 days of the due date, an additional five percent of the total due shall be added each month until paid or entered upon a tax roll. The greater of five percent or \$20.00 will be added as a fee upon the delinquency when entered on the tax roll. After 30 days upon entrance on a tax roll, an additional one percent per month penalty shall accrue until all amounts due are paid.
- C. If the fees, charges, or costs are not paid to the Director within ninety (90) days after the due date thereof, all sewer services furnished by the POTW to the premises may be discontinued. Services so discontinued shall not be restored until all sums then due and owing, including all accrued penalties, shall be paid, plus a shutoff charge and turn-on charge in an amount to be established by the Director.
- D. Except as otherwise expressly provided by applicable laws and regulations, if a charge or fee due from any person under this Ordinance or under other rules or regulations established by the Director or under any Local Unit ordinance in connection with use of the POTW, is not paid when due, the amount due, along with any late penalties, the Director may request the Local Unit to certify and spread the amount plus penalties on the next regular Local Unit tax roll as a lien against the premises. The total amount due may be collected or returned, and the lien enforced, in the same manner as municipal taxes against real estate are certified, assessed, collected, and returned.

Section 8 - Repealer

All ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 9 - Severability

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 10 - Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 11 - Effective Date

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by statute.

Section 12 - Adoption

This Ordinance is hereby declared to have been adopted by the Charter Township of Orion Board of Trustees at a meeting thereof duly held and called on the 19th day of November, 2001, and ordered to be given publication in the manner prescribed by statute.

