

TITLE V: PUBLIC WORKS

Chapter

50. SEWERS

CHAPTER 50: SEWERS

Section

General Provisions

- 50.001 Purpose
- 50.002 Authority
- 50.003 Definitions
- 50.004 Application of statutes, laws and regulations

Connection to County System

- 50.015 Compliance with county requirements
- 50.016 Plans, permits and bonds
- 50.017 Bulkhead installation
- 50.018 Acceptance tests
- 50.019 Storm and ground water control
- 50.020 Building sewers; specifications
- 50.021 Septic tank requirements
- 50.022 Responsibility for maintaining sewer systems
- 50.023 Manholes
- 50.024 As-built plans
- 50.025 Requirements for combined sewer systems

Connection to County Drain System

- 50.035 Statement of purpose
- 50.036 Submission of plans; requirements
- 50.037 Connection requirements in combined sewer areas
- 50.038 Area outside the combined sewer area
- 50.039 Acceptance tests
- 50.040 Storm and ground water control
- 50.041 Building sewers; specifications
- 50.042 Administrative requirements
- 50.043 Conformance and compliance

Permit Requirements

- 50.055 Permit required
- 50.056 Significant users; determination and procedures

Southfield Township, Michigan Code of Ordinances

- 50.057 Application for permit
- 50.058 Supplemental information
- 50.059 Issuance
- 50.060 Conditions of permit
- 50.061 Duration
- 50.062 Modification
- 50.063 Custody and transfer
- 50.064 Small quantity discharge; exemptions

Wastewater Disposal; Pretreatment Standards

- 50.075 Delegation of authority
- 50.076 Discharge prohibitions
- 50.077 Specific pollutant prohibitions
- 50.078 National categorical pretreatment standards
- 50.079 Dilution prohibited
- 50.080 Hauled-in wastewater
- 50.081 Right of revision by township
- 50.082 Accidental discharges; requirements and procedures
- 50.083 Variance
- 50.084 Fees
- 50.085 Monitoring facilities
- 50.086 Inspection, sampling, and record keeping
- 50.087 Confidential information

Private Sewers

- 50.100 Establishing regulations
- 50.101 License requirements; bond
- 50.102 Standards
- 50.103 Terms of license
- 50.104 Fees

Administration and Enforcement

- 50.115 Violations for noncompliance
- 50.116 Upsets
- 50.117 Emergency suspension and order
- 50.118 Notice of violation
- 50.119 Administrative actions
- 50.120 Legal actions
- 50.121 Review and appeal

GENERAL PROVISIONS

§ 50.001 PURPOSE.

Southfield Township, Michigan Code of Ordinances

(A) It is the purpose of this chapter to protect public health and safety by abating and preventing pollution through the regulation and control of the disposal of sewage and the quantity and quality of wastes admitted to be discharged into the wastewater collection and treatment system of the Township of Southfield, the Oakland County Department of Public Works, and the City of Detroit.

(B) It is the further purpose of this chapter to enable the township and the governmental authorities with which it has contracted to provide a public sewage disposal system for the properties within the township, the County of Oakland, and the City of Detroit, to comply with the requirements of applicable state and federal laws, including the Federal Water Pollution Control Act of 1972, being 33 USC 1251 *et seq.*, as amended; the State of Michigan Act No. 245 of 1929, being M.C.L. §§ 323.1-323.12, as amended; Public Act 451 of 1994, being M.C.L. §§ 324.3101 *et seq.*, as amended; the Federal District Court Consent Judgment and Settlement Agreement, United States District Court, Eastern District of Michigan, Southern Division, C.A. No. 77-1100; and the applicable rules and regulations pertaining to those Acts; and the requirements of applicable National Pollutant Discharge Elimination System Permits. Further, this chapter is intended to enable the township to comply with State of Michigan Public Act 185 of 1957, being M.C.L. §§ 123.731-123.786 *et seq.*, as amended, and/or State of Michigan Public Act 342 of 1939, being M.C.L. §§ 46.171-46.185 *et seq.*, as amended.

(C) This chapter shall govern the design, construction and use of wastewater facilities under the jurisdiction of the county, enumerating the permit requirements for tapping into county wastewater facilities, for altering existing county wastewater facilities, for pumping stations and for industrial connections to public sewers; and the authority of the county's inspectors or authorized agents in the County of Oakland, State of Michigan; and to provide a uniform policy for rates for wastewater disposal service. (Ord. 182, passed 6-8-93)

§ 50.002 AUTHORITY.

By virtue of the obligations and authority placed upon the County of Oakland and the City of Detroit by the Federal Water Pollution Control Act, being 33 USC 1251 *et seq.*, as amended; the Constitution of the State of Michigan; the Public Act 451 of 1994, being M.C.L. §§ 324.3101 *et seq.*, as amended; National Pollutant Discharge Elimination System Permit for the City of Detroit Publicly-Owned Treatment Works; the Federal District Court Consent Judgment pertaining to *U.S. EPA v City of Detroit et al*, C.A. No. 77-1100, as amended; the Urban Cooperation Act of 1967, being M.C.L. §§ 124.501 *et seq.*, as amended; Public Act 35 of 1951, being M.C.L. § 124.1 *et seq.*, as amended; and existing or future contracts between the Township of Southfield, County of Oakland, the Oakland County Department of Public Works, the Oakland County Drain Commissioner, and the Board of Water Commissioners of the City of Detroit, or by virtue of common law usage of the system, this chapter shall apply to every property and property owner which is a source of sewage and/or which contributes or causes to be contributed pollutants or wastewater to the Township of Southfield Sewage Disposal System, Evergreen-Farmington Sewage Disposal System and/or the Clinton-Oakland Sewage Disposal System and/or the Huron-Rouge Sewage Disposal System and/or the

Southeastern Oakland County Sewage Disposal System and/or the City of Detroit Publicly-Owned Treatment Works.
(Ord. 182, passed 6-8-93)

§ 50.003 DEFINITIONS.

When used in this chapter, the following terms shall have the meanings described in this section unless the context specifically indicates a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, Pub. L. 92-500, also known as the Clean Water Act, being 33 USC 1251 *et seq.*, as amended.

APPROVAL AUTHORITY. The Michigan Department of Natural Resources or the Environmental Protection Agency.

AS-BUILT PLANS. 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.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. This term shall refer to a corporate officer, if the industrial user is a corporation; a general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or a duly authorized representative of either individual designated above, if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates or is the identified corporation, partnership, or proprietorship representative for responding to discharge inquiries or actions.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days of 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)) as measured by standard methods.

BOARD. The Board of Water Commissioners of the City of Detroit.

BUILDING DRAIN. 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 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain that connects the building in which the sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage of but one building.

CATEGORICAL STANDARDS. The National Categorical Pretreatment Standards or a pretreatment standard as promulgated under authority of the Act, 40 CFR 403.

CHEMICAL OXYGEN DEMAND (COD). A measure of the 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 OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively,

CHLORINE DEMAND. The difference between the amount of chlorine applied and the amount of free chlorine available at the end of the contact time, expressed in milligrams per liter.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMPATIBLE POLLUTANT. BOD (biochemical oxygen demand), FOG (fats, oils or grease), phosphorus, suspended solids, and fecal coliform bacteria, plus other pollutants which do not exceed the Control Authority's interference or pass through limitations or the limitations of this chapter.

COMPOSITE SAMPLE. A series of grab samples of equal volume taken over a specified time period with no regard to the flow in the waste stream which are combined into one sample.

CONSENT JUDGMENT. 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.

CONTROL AUTHORITY. The Detroit Water and Sewerage Department (DWSD) which has been officially designated as such by the state under the provisions of 40 CFR 403.12 or authorized representatives or employees of the DWSD.

CONTROL MANHOLE. A suitable manhole, together with the necessary meters, including where appropriate, adequate power source, and other appurtenances, to facilitate observation, sampling and measurement of wastewater to be constructed in accordance with plans approved by the county's engineering personnel.

COUNTY. The County of Oakland, State of Michigan, or its authorized representative, the Detroit Water and Sewerage Department.

COUNTY AGENCY. The Oakland County Drain Commissioner or the Oakland County Department of Public Works.

COOLING WATER. The non-contact water discharged from any use such as air conditioning, cooling, or refrigeration to which the only pollutant added is heat.

CRITICAL MATERIALS. The organic and inorganic substances, elements or compounds, listed in the register compiled by the Water Resources Commission of the Department of Natural Resources of the State of Michigan.

DAYS. For purposes of computing, a period of time prescribed or allowed by this chapter, consecutive calendar days.

DEBT SERVICE CHARGE. Charges levied to customers of the wastewater system which are used to pay principal, interest and administrative cost 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 in this section.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly into the waters of the state.

DIRECTOR. The Director of the Detroit Department of Water and Sewerage or the Director's deputy.

DOMESTIC USER. A person who contributes, causes or permits wastewater to be discharged into the publicly-owned treatment works from a place of domicile for one or more persons, including, but not limited to, single-family houses, apartment buildings,

condominiums, townhouses and mobile homes. It shall also mean churches, schools and government buildings.

DWELLING. Any structure designed for year-round habitation including, but not limited to, houses, mobile homes, apartment buildings, condominiums and townhouses.

ENVIRONMENTAL PROTECTION AGENCY or EPA. The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other authorized official of this federal agency.

FATS, OIL, or GREASE (FOG). Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other non-volatile material of animal, vegetable, or mineral origin that is extractable by solvent in accordance with standard methods.

FEDERAL GRANT. A grant made or to be made for the construction of wastewater collection, transportation, and/or treatment works provided under the Act, as amended.

FLOW PROPORTIONAL SAMPLE. A composite sample taken with regard to the flow rate of the waste stream.

FOOTING DRAIN. A pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It is composed of putrescible organic matter and its natural moisture content.

GARBAGE, PROPERLY SHREDDED. The waste from the preparation, cooking and dispensing of foods that has been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

GENERAL SPECIFICATIONS. The current edition of standard material and construction requirements of the county.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis without regard to the variations in flow rate, but which shall reasonably reflect the characteristics of the waste stream at the time of sampling.

GROUND WATER. Subsurface water occupying the saturation zone, from which wells and springs are fed.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANTS. Any pollutant which is not a compatible pollutant.

INDIRECT DISCHARGE. The discharge or the introduction of pollutants from any non-domestic source, regulated under Section 307(b), (c), or (d) of the Act (33 USC 1317), into the publicly-owned treatment works.

INDUSTRIAL USER. A person who contributes, causes, or permits wastewater to be discharged into the publicly-owned treatment works from a place of business, endeavor, arts, trade, or commerce, whether public or private, commercial or charitable. Domestic users are specifically excluded.

INDUSTRIAL WASTE. The discharge into the publicly-owned treatment works of 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.

INFILTRATION. 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.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow.

INFLOW. 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.

INTERFERENCE. A discharge by a user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the publicly-owned treatment works or its treatment processes or operations, or its sludge processes, use or disposal, and which causes a violation of any requirement of the publicly-owned treatment works' NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal by the publicly-owned treatment works in accordance 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, being 33 USC 1345; the Solid Waste Disposal Act (SWDA), being 42 USC 6901 *et seq.* [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 SWDA]; the Clean Air Act, being 42 USC 7401 *et seq.*; the Toxic Substances Control Act, being 15 USC 2601 *et seq.*; and the Marine Protection Research and Sanctuaries Act, being 16 USC 1431 *et seq.* and 33 USC 1401 *et seq.*

LABORATORY DETERMINATION. The measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any measurement, test, or analysis of *Standard Methods for Examination of Water and Wastewater*, a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to federal or state law.

LATERAL LINE. That portion of the sewer system located under the street or within the street right-of-way from the property line to the trunk line or interceptor and which collects sewage from a particular property for transfer to the trunk line or interceptor.

LOCAL. A prefix denoting jurisdiction by the township.

MANAGER. The chief administrative officer of the township, or his authorized representatives or agents.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific class or category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

PERMIT. A permit issued to a publicly-owned treatment works pursuant to Section 402 of the Act (33 USC 1342).

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

NEW SOURCE. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of the proposed National Categorical Pretreatment Standards under Section 307(c) of the Act (33 USC 1317), which will be applicable to the source if the standards are thereafter promulgated in accordance with that section.

NORMAL DOMESTIC STRENGTH SEWAGE or NORMAL DOMESTIC STRENGTH WASTEWATER. A sewage or other wastewater effluent which shall be a compatible pollutant with BOD of 275 milligrams per liter or less, suspended solids of 350 milligrams per liter or less, total phosphorus of 12 milligrams per liter or less, and fats, oil, and greases of 100 milligrams per liter or less.

OBSTRUCTION. Any object of whatever nature which substantially impedes the flow of sewage from the point of origination to the trunk line or interceptor. This shall include, but not be limited to, objects, sewage, tree roots, rocks and debris of any type.

OPERATION AND MAINTENANCE (O & M). 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, including the cost of replacement.

OWNER. 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.

PASS THROUGH. The discharge of pollutants through the publicly-owned treatment works into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of violation of any requirement of the publicly-owned treatment work's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district or any other legal representative, agent or assigns, or any combination thereof. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The negative reciprocal of the logarithm of the hydrogen concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

POLLUTANT. Any substance or energy added or introduced into the user's water source.

POLLUTION. The human-made or human-induced degradation or impairment of the chemical, physical, biological or radiological integrity of water.

PRETREATMENT. 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 the pollutants into the publicly-owned treatment works. 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.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirements related to pretreatment other than a national categorical pretreatment standard imposed on an industrial user.

PRIVATE. A prefix denoting jurisdiction by a non-governmental entity.

PUBLIC. A prefix denoting jurisdiction by any governmental subdivision or agency.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

PUBLICLY-OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act (33 USC 1292), which is owned in this instance by the City of Detroit. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this chapter, **PUBLICLY-OWNED TREATMENT WORKS** or **POTW** shall also include any sewers under the jurisdiction of the township and/or the county.

PUBLICLY-OWNED TREATMENT PLANT or POTW TREATMENT PLANT. That portion of the publicly-owned treatment works designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

REPLACEMENT. 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.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEPARATE. A prefix denoting a wastewater transmission facility or sewer which is intended to transport sanitary wastewater only.

SERVICE AREA. Any area whose wastewater is received by the township or the county for the transmission for treatment by the City of Detroit Water and Sewage Department.

SEWAGE or WASTEWATER. Spent water which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions, or other land uses, including drainage water and ground water inadvertently present in the waste.

SEWAGE TREATMENT PLANT or WASTEWATER TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWER. A pipe or conduit that carries wastewater or drainage water. See the following definitions modifying sewer.

(1) **BUILDING SEWER.** In plumbing, the extension from the building drain to the public sewer or other place of disposal. Also called house connection.

(2) **COMBINED SEWER.** A sewer intending to receive both wastewater and storm; or surface or drainage water.

(3) **COMMON SEWER.** A sewer in which all owners of abutting properties have equal rights.

(4) **COUNTY SEWER.** A public sewer controlled by the county agency.

(5) **INTERCEPTING SEWER.** A sewer that receives dry-weather flow from a number of transverse sewers or outlets in frequently additional predetermined quantities of storm water (if from a combined system) and conducts the waters to a point for treatment or disposal.

Southfield Township, Michigan Code of Ordinances

(6) **LATERAL SEWER.** A sewer which is designed to receive a building sewer.

(7) **MUNICIPAL SEWER.** A public sewer exclusive of a county sewer or City of Detroit sewer.

(8) **PUBLIC SEWER.** A common sewer controlled by a governmental agency or public utility.

(9) **SANITARY SEWER.** A sewer that carries liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters and drainage water and are not admitted intentionally.

(10) **STORM SEWER.** A sewer that carries storm water and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastewater. Also called a storm drain.

(11) **TRUNK SEWER** or **TRUNK LINE.** A sewer which connects the lateral sewer to the intercepting sewer and to which building sewers may be connected.

SEWER SERVICE CHARGE. The sum of the applicable user charge, surcharges and debt service charges.

SHALL is mandatory, **MAY** is permissive.

SIGNIFICANT USERS. Any industrial user of the POTW as defined herein who meets the following requirements.

(1) Has a discharge flow of 50,000 gallons or more per average workday, exclusive of storm water and sanitary wastewater.

(2) Has discharges subject to the National Categorical Pretreatment Standards.

(3) Requires pretreatment to comply with the specific pollutant limitations of this chapter.

(4) Has in its discharge, toxic pollutants as defined pursuant to Section 307 of the Act (33 USC 1317), or other applicable federal and state laws and regulations which are in concentrations and volumes that are subject to regulation under this chapter as determined by the Control Authorities.

(5) Is required to obtain a permit for the pretreatment, storage, or disposal of hazardous waste pursuant to regulations adopted by the state or adopted under the Federal Solid Waste Disposal Act, as amended, by the Federal Resource Conservation and Recovery Act and any amendments thereto and who may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff.

(6) Is found by the Control Authority to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

SLUG. Any pollutant released in a discharge at a flow rate and/or concentration which will cause interference or pass through at the POTW as determined by the Control Authority.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

STANDARD METHODS. 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 Waterworks Association, and the Water Pollution Control Federation, or methods set forth in 40 CFR 136 *Guidelines for Establishing Test Procedures for Analysis of Pollutants*. Where these two references are in disagreement on procedures for the analysis of a specific pollutant, the methods given in 40 CFR 136 shall be followed.

STATE. The State of Michigan.

STORM WATER. The water running off from the surface of a drainage area during and immediately after a period of rain.

SURFACE WATER.

(1) All water on the surface as distinguished from ground water or subterranean water.

(2) 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.

SUPERINTENDENT. The superintendent of the Township of Southfield Department of Public Works or his duly authorized representative or agent.

SURCHARGE. An additional charge which may be imposed to cover the cost of treatment of excess strength wastewater discharged by any customer,

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtration or as measured by standard methods.

TOTAL EQUIVALENT MASTER METERED WATER CONSUMPTION. The equivalent to the total amount of potable water used by a municipality as recorded by a master water meter for sewered premises. This term shall include, but not be limited to, fire protection water, gardening and lawn water.

TOWNSHIP. The Township of Southfield, Michigan, its agents and employees.

TOXIC POLLUTANT. Any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provisions of Section 307(a) of the Clean Water Act (33 USC 1317) or included in the critical materials register promulgated by the Michigan Department of Natural Resources, or other federal or state laws, rules or regulations.

UNCONTAMINATED INDUSTRIAL WASTE or UNPOLLUTED INDUSTRIAL PROCESS WATER. Industrial process water or cooling water which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added, and which is completely compatible with applicable stream standards, excepting thermal limitations.

UPSET or UPSET CONDITION. An exceptional incident in which there is an unintentional or temporary noncompliance with limits imposed under this chapter or with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

USER. Any person who contributes, causes or permits the discharge of wastewater into the publicly-owned treatment works as defined herein.

USER CHARGE. 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 the Act (33 USC 1284) and includes the cost of replacement.

WASTEWATER. 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 publicly-owned treatment works. Wastewater may also contain infiltration and inflow waters and cooling water.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away, and treat domestic and industrial waste, and dispose of the effluent.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE. All 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 or any portion thereof.

WASTEWATER DISCHARGE PERMITS. Permits issued by the Control Authority or its designated representative as set forth in §§ 50.055 through 50.064.

(B) **Abbreviations.** The following abbreviations shall have the designated meanings.

- (1) **BOD.** Biochemical Oxygen Demand.
- (2) **CFR.** Code of Federal Regulations.
- (3) **COD.** Chemical Oxygen Demand.
- (4) **DWSD.** Detroit Water and Sewerage Department.
- (5) **EPA.** Environmental Protection Agency.
- (6) **FOG.** Fats, Oil or Grease.
- (7) **l.** Liter.
- (8) **MDNR.** Michigan Department of Natural Resources.
- (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, 42 USC 6941

et seq.

- (15) **SIC.** Standard Industrial Classification.
- (16) **SICM.** Standard Industrial Classification Manual.
- (17) **SS.** Suspended Solids.
- (18) **SWDA.** Solid Waste Disposal Act, 42 USC 6901 *et seq.*
- (19) **O&M.** Operation and Maintenance.
- (20) **TSS.** Total Suspended Solid.
- (21) **USC.** United States Code.
- (22) **CWA.** Clean Water Act, 33 USC 1251 *et seq.*

(23) **S.O.C.S.D.S.** The Southeastern Oakland County Sewage Disposal System.
(Ord. 182, passed 6-8-93)

§ 50.004 APPLICATION OF STATUTES, LAWS AND REGULATIONS.

Unless otherwise provided, any reference in this chapter to a code, standard, rule, regulation or law enacted, adopted, established, or promulgated by any private organization, or any element or organization of government other than the township shall be construed to apply only to the code, standard, rule, regulation or law in effect or existence on the date of enactment of this chapter.
(Ord. 182, passed 6-8-93)

CONNECTION TO COUNTY SYSTEM

§ 50.015 COMPLIANCE WITH COUNTY REQUIREMENTS.

All sanitary sewer systems connected directly or indirectly into the intercepting sewer or sewers of the County Department of Public Works shall meet the requirements set forth in this subchapter.
(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.016 PLANS, PERMITS AND BONDS.

(A) 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 County Department of Public Works.

(B) A connection permit shall be obtained by the owner or contractor from the County Department of Public Works. The 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 County Department of Public Works. A fee shall be charged for the permit to cover the cost of inspection of each connection, and to verify the result of the acceptance test. The permit fee shall be \$150 for each connection plus \$15 for each new manhole constructed. Inspection requested during other than normal working hours shall be performed only if deemed necessary by the County Department of Public Works. The fee for this inspection shall be \$250 per day minimum, in addition to the normal connection permit fee.

(C) Individual building sewers which are directly connected into the county sanitary sewer system shall conform to all applicable requirements of this chapter. A connection permit, for which a charge of \$50 will be made by the County Department of Public Works, shall be obtained from the County Department of Public Works before the

connection is made. Prior to the issuance of the connection permit, the person obtaining the 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 County Department of Public Works. The party to whom a permit is issued shall be responsible for notifying the County Department of Public Works 24 hours in advance of the date and time when the connection is made so that proper inspection can be made by the Department.

(D) Prior to the adjustment, reconstruction, relocation or any other altering of the sewers of the county, including manhole structures, the contractor or the person responsible for the work shall first obtain a permit to do the work from the County Department of Public Works. The permit fee shall be determined by the County Department of Public Works.

(E) (1) Prior to construction and during the life of permits obtained in accordance with divisions (B), (C), and (D) of this section, all owners or contractors shall yearly furnish to the County Department of Public Works the following.

(a) A satisfactory surety bond in the amount of \$5,000 as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards.

(b) A cash deposit in the amount of \$500. This deposit shall provide funds for emergency work and/or other work as may be deemed necessary by the County Department of Public Works, arising as a result of construction by the owner or contractor. The bonds shall not be canceled by the owner, the contractor or the surety without first having given ten days' written notice to the County Department of Public Works. Cash deposits may be returned to the owner or contractor within ten days of receipt of written request therefor, except that no deposits will be returned until all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the 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 the work shall be deducted from the aforementioned cash deposit.

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

(3) The fees described in this section may be increased or amended from time to time by resolution of the Township Board.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.017 BULKHEAD INSTALLATION.

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

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.018 ACCEPTANCE TESTS.

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 County Department of Public Works and prior to removal of the bulkhead as required in § 50.017. All final acceptance tests shall be witnessed by the County Department of Public Works.

(A) *Infiltration test.*

(1) All sewers over 24-inch diameter shall be subjected to infiltration tests. All sewers of 24-inch diameter or smaller where the ground water level above the top of the sewer is over seven feet, shall be subjected to an infiltration test.

(2) Maximum allowable infiltration shall not exceed 250 gallons per inch of diameter per mile of pipe per 24 hours for the overall project. Maximum allowable infiltration shall not exceed 500 gallons per inch of diameter per mile of pipe per 24 hours for any individual run between manholes.

(B) *Air test or exfiltration test.*

(1) All sewers of 24-inch diameter or less, where the ground water level above the top of the sewer is seven feet or less, shall be subjected to air tests or exfiltration tests.

(2) For exfiltration tests, the internal water level shall be equal to the external water level plus seven feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.

(3) The procedure for air testing of sewers shall be as follows.

(a) The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. The 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 3½ inches and a range of 0-10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of +/-0.04 PSIG.

(b) The sewer shall be pressurized to 4 PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two minutes shall be allowed for the air pressure to stabilize between 3.5 and 4 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG, or greater.

(c) 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 3.5 PSIG, or any other pressure as is necessary to compensate for ground water level.

Southfield Township, Michigan Code of Ordinances

(d) The time required for the air pressure to decrease 1.0 PSIG during the test shall not be less than the time shown in the *Oakland County Department of Public Works Air Test Tables*.

(e) Manholes on sewers to be subjected to air tests shall be equipped with a one-half-inch diameter galvanized capped pipe nipple extending through the manhole, three inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the ground water 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 ground water elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water 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.

(f) 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.

(g) All visible leaks and cracks shall be repaired regardless of test results.

(Ord. 182, passed 6-8-93)

§ 50.019 STORM AND GROUND WATER CONTROL.

(A) Yard drains, patio drains, catchbasins, downspouts, weep title, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or ground water shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided in division (B).

(B) 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 the perimeter and footing drains.

(C) 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 County Department of Public Works. The iron pipe inside the building shall be plugged and leaded and remain plugged and water tight until 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.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.020 BUILDING SEWERS; SPECIFICATIONS.

Southfield Township, Michigan Code of Ordinances

(A) House connection sewer from lateral sewer in street or easement to within five feet from house shall be as follows.

(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; or

(2) Six-inch diameter Class 2400 Asbestos Cement Pipe with Ring-Tite, Fluid-Tite or DPW approved joint; or

(3) Six-inch diameter, service strength, cast iron soil pipe with hot poured lead joint, or DPW approved equal; or

(4) Six-inch diameter Extra Strength (ES) 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 County Department of Public Works.

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

(C) 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 § 50.018.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.021 SEPTIC TANK REQUIREMENTS.

(A) Prior to connecting an individual building sewer to the sewers of the county, 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.

(B) Septic tank sludge shall be discharged into the sewers of the county, directly or indirectly, only at locations specified by the County Department of Public Works, and only after obtaining proper septic tank dumping tickets.

(C) 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 in this section.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.022 RESPONSIBILITY FOR MAINTAINING SEWER SYSTEMS.

All new sanitary sewer systems, except individual building sewers, connected directly or indirectly into the intercepting sewer or sewers of the county 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.

(Ord. 182, passed 6-8-93)

§ 50.023 MANHOLES.

(A) *Design.*

(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 County Department of Public Works.

(2) 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.

(3) 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.

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

(B) *Covers.*

(1) All manholes shall be provided with "Bolted Waterproof Covers" in accordance with the current *Standard Manhole Detail* of the County Department of Public Works.

(2) 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 County Department of Public Works.

(Ord. 182, passed 6-8-93)

§ 50.024 AS-BUILT PLANS.

Prior to the acceptance of any sewer system and prior to the removal of the bulkhead as required in § 50.017 (except under extenuating circumstances as may be approved by the Director), as-built plans shall be provided to the County Department of Public Works. The 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.

(Ord. 182, passed 6-8-93)

§ 50.025 REQUIREMENTS FOR COMBINED SEWER SYSTEMS.

All combined sewer systems connected directly or indirectly to the intercepting sewer or sewers of the county shall meet the following requirements.

(A) Sections 50.016 and 50.017, as well as §§ 50.020 through 50.024 of this chapter are required for sanitary sewer systems connecting to interceptor sewers of the county as hereinbefore mentioned.

(B) Prior to acceptance of the system, and prior to removal of the bulkhead as required in § 50.017, all combined sewer systems shall be subjected to an infiltration

test in accordance with the infiltration requirements of the County Department of Public Works as outlined in § 50.018. The test shall be witnessed by the County Department of Public Works.

(C) Downspouts and footing drain tile may be connected to a combined sewer if permitted by the local unit of government.

(D) No requirements of the County Department of Public Works, or permits issued hereunder by the Department, shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein the property is located, when the rules and regulations are not in conflict with the requirements of the Department of Public Works.

(E) All sewer construction shall comply with the *General Specifications* of the County Department of Public Works. Copies of these specifications may be obtained from the Office of the Department of Public Works.

(F) Construction of new combined sewer systems shall be prohibited except when no prudent or feasible alternative exists.

(Ord. 182, passed 6-8-93)

CONNECTION TO COUNTY DRAIN SYSTEM

§ 50.035 STATEMENT OF PURPOSE.

This subchapter sets forth the procedures and regulations governing the granting of permits to connect into the Twelve Towns Relief Drains directly and to all other county drains that are tributary directly or indirectly to the facilities under the jurisdiction of the Southeastern Oakland County Sewage Disposal System.

(Ord. 182, passed 6-8-93)

§ 50.036 SUBMISSION OF PLANS; REQUIREMENTS.

(A) Each municipality is requested to furnish an up-to-date plan of its sewerage system. Plan should include the location, size and direction of flow in all existing sewers. Sewers should be identified as separated or combined. Pumping stations, flow regulation and diversion structure should be shown.

(B) Plans for laterals shall be submitted in the name of the township by the township officials or a firm of consulting engineers officially authorized to do so. Generally, this authority will be vested in the Township Engineer or a single firm of consulting engineers retained as the Township Engineer. All plans submitted to this office shall bear the signature of the Township Engineer.

(C) A letter requesting the approval of plans by the County Drain Commissioner's Office and the Water Quality Division of the Michigan Department of Natural Resources (formerly known as the Michigan Health Department) shall be addressed to the County Drain Commissioner and be accompanied by a minimum of five sets of plans. Upon approval of the plans, the Drain Commissioner's Office will

retain one set and forward the remaining sets to the Michigan Department of Natural Resources along with a letter requesting their approval. Copies of this letter will be sent to the applicant municipality and the consulting engineer. The Michigan Department of Natural Resources, upon their approval of the plans, will return at least three sets of approved plans bearing the construction permit number to the applicant municipality. The applicant municipality will keep one set, send one set to the County Drain Commissioner and send one set to the consulting engineer. In the event that the applicant municipality or consulting engineer require an extra set of approved plans, additional sets shall be included with the initial request for approval.

(D) Plans submitted to this office for review must meet the following requirements:

- (1) General location plan which shows the relationship to existing sewerage facilities, including outlet sewer interceptors, pumping stations and the like;
- (2) Detail plan and profile drawings, along with criteria of hydraulic design (storm frequency, line capacity, line velocities, tributary areas and the like);
- (3) Material and construction standards, regular and special;
- (4) Desirable scale and size for plan and profile drawings are as

follows:

- (a) Horizontal Scale: 1 inch = 100 feet, 1 inch = 50 feet.
- (b) Vertical Scale: 1 inch = 10 feet, 1 inch = 5 feet.
- (c) Plan Size: 24 inches x 36 inches.

(Ord. 182, passed 6-8-93)

§ 50.037 CONNECTION REQUIREMENTS IN COMBINED SEWER AREAS.

Connections in combined sewer areas includes Twelve Towns Relief Drains and County Combined Drains Tributary thereto.

(A) A connection permit must be obtained prior to connection from the County Drain Commissioner's Office, One Public Works Drive, Pontiac, Michigan 48054 (858-0958). A legal description of the property to be served by the connection is required.

(B) The fee as determined by the Drain Commissioner for connection permits shall be \$150, which is to cover the cost of the inspection of the tap.

(C) The connection to the county drain will be made under the supervision of an inspector from the Drain Commissioner's Office in accordance with approved plans of the connection.

(D) A minimum of 24 hours notice (excluding Saturday, Sunday, and holidays) must be given prior to tap to enable this office to arrange for inspection.

(E) Requests for inspection shall be directed to the technician charged with the responsibility of permit issuance (858-0978).

(F) All lines connected to county drains shall be clean (free from silt, dirt, debris and the like).

(G) Yard drains, catchbasins, downspouts, weep tile, perimeter drains or other structures used for the collection and conveyance of storm water will be permitted to

outlet into the county combined drains, provided the properties lie within the combined drainage district.

(H) The contractor, during the construction of a lateral, shall install a suitable bulkhead to prevent sand, silt, dirt or other debris from entering the county drain. Upon work completion and removal of any debris that may have collected, the contractor shall contact the inspection office for permission to remove the bulkhead.

(I) A connection from any industrial plant or facility using chemical processes shall be provided with a readily available sampling point (manhole or equivalent).

(J) All wastes discharged into county drains shall meet the standards as specified in the current Detroit ordinance governing domestic and industrial wastes. (Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.038 AREA OUTSIDE THE COMBINED SEWER AREA.

(A) System is defined as a lateral having two or more connections. A construction permit from the Michigan State Department of Natural Resources is required for a sewer system.

(B) All sanitary sewer systems lying in these areas of the S.O.C.S.D.S. district, designated as separated, to be connected directly or indirectly into the intercepting sewer or sewers of the S.O.C.S.D.S. prior to connection, shall meet the following requirements.

(1) A connection permit shall be obtained by the owner or contractor from the County Drain Commission's Office. The connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, the scheduled date of infiltration test and any other pertinent information as shall be determined by the County Drain Commissioner. A fee shall be charged for the permit to cover the cost of inspection of the connection and system connected.

(2) All 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 County Drain Commissioner's Office. (Ord. 182, passed 6-8-93)

§ 50.039 ACCEPTANCE TESTS.

(A) *Infiltration test.*

(1) All sewers over 24-inch diameter shall be subjected to infiltration tests. All sewers of 24- inch diameter or smaller where the ground water level above the top of the sewer is over seven feet shall be subjected to an infiltration test.

(2) Maximum allowable infiltration shall not exceed 250 gallons per inch of diameter per mile of pipe per 24 hours for the overall project. Maximum allowable infiltration shall not exceed 500 gallons per inch of diameter per mile of pipe per 24 hours for any individual run between manholes.

(B) *Air test or exfiltration test.*

Southfield Township, Michigan Code of Ordinances

(1) All sewers of 24-inch diameter or less, where the ground water level above the top of the sewer is seven feet or less, shall be subjected to air tests or exfiltration tests.

(2) For exfiltration tests the internal water level shall be equal to the external water level plus seven feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.

(3) The procedure for air testing of sewers shall be as follows.

(a) The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. The 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 3½ inches and a range of 0-1 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of +/- 0.04 PSIG.

(b) The sewer shall be pressurized to 4 PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two minutes shall be allowed for the air pressure to stabilize between 3.5 and 4 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.

(c) 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 3.5 PSIG, or other pressure as is necessary to compensate for ground water level.

(d) The time required for the air pressure to decrease 1.0 PSIG during the test shall not be less than the time shown in the *Oakland County Drain Commissioner's Air Test Tables*.

(e) Manholes on sewers to be subjected to air tests, shall be equipped with a ½-inch diameter galvanized capped pipe nipple extending through the manhole, three inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the ground water 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 ground water elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water 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.

(f) 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.

(g) All visible leaks and cracks shall be repaired regardless of test results.

(Ord. 182, passed 6-8-93)

§ 50.040 STORM AND GROUND WATER CONTROL.

(A) Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or ground water shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided below.

(B) Perimeter and footing drains from buildings existing before July 23, 1981 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 the perimeter and footing drains.

(C) 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 County Drain Commissioner's Office. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until 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.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.041 BUILDING SEWERS; SPECIFICATIONS.

(A) House connection sewer from lateral sewer in the street or easement five feet from house shall be as follows.

(1) Six-inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with Drain Commissioner approved premium joint; or

(2) Six-inch diameter ABS Plastic Solid Wall Sewer Pipe conforming to ASTM designation D-2751 SDR 35 or 23.5; or

(3) Six-inch diameter PVC Plastic Solid Wall Sewer Pipe conforming to ASTM designation ASTM D-3034 SDR 35 or ASTM D-2665 Schedule 40.

(4) Other pipes and joints as may be approved by the County Drain Commissioner.

(B) House connection sewers should be six-inch minimum diameter; however, 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, shall not exceed 500 U.S. gallons per inch of diameter, per mile, per 24 hours.

(C) The crock to iron joint shall be sealed by an approved bituminous filler, enclosed in concrete to provide a watertight seal. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until the plumbing is carried on to the first floor, thereby providing that no water from the excavated basement will enter the sanitary sewer.

(D) The township shall issue tap permits for each structure that is connected into the S.O.C.S.D.S. and be responsible to see that the above specifications pertinent to materials and installations are followed.

(Ord. 182, passed 6-8-93)

§ 50.042 ADMINISTRATIVE REQUIREMENTS.

(A) The S.O.C.S.D.S., through their agent, the Drain Commissioner, shall, at his option, be permitted to set up and operate flow metering equipment to gauge sanitary flow, either on a temporary or permanent basis, in any sanitary sewer lying within the separated areas.

(B) Plans and specifications covering the construction of all new sewers, both combined and sanitary (separate), lying within the S.O.C.S.D.S. service area shall be submitted to the Office of the County Drain Commissioner for review and approval prior to construction.

(Ord. 182, passed 6-8-93)

§ 50.043 CONFORMANCE AND COMPLIANCE.

(A) The quality of domestic and industrial waste outletted into the S.O.C.S.D.S. facilities shall conform to the current City of Detroit ordinance pertinent to domestic and industrial wastes. It is the contractual obligation of the township, reference Section 16 of contract with county, to use S.O.C.S.D.S. facilities to enforce these standards.

(B) No requirements of the S.O.C.S.D.S. or permits issued hereunder by the system through their agent, the County Drain Commissioner, shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein the property is located, where they are not in conflict with requirements of the S.O.C.S.D.S.

(C) All sewer construction shall comply with the general specifications of the County Drain Commissioner; copies of the specifications may be obtained from the Office of the Drain Commissioner.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

PERMIT REQUIREMENTS

§ 50.055 PERMIT REQUIRED.

It shall be unlawful for significant users to discharge into the POTW without a wastewater discharge permit from the Control Authority except as authorized by the Control Authority or in accordance with the provisions of this chapter.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.056 SIGNIFICANT USERS; DETERMINATION AND PROCEDURES.

All significant users proposing to connect to or to contribute to the POTW shall apply for a wastewater discharge permit in accordance with §§ 50.057 through 50.064

before connecting to or contributing to the POTW. Upon determination that a permit is required, no connection to the POTW shall be made and no discharge thereto shall occur until a permit is issued unless otherwise authorized by the Control Authority for a period not to exceed 60 days. All existing significant users connected to or contributing to the POTW shall apply for a wastewater discharge permit in accordance with the following procedures. The Control Authority may require any non-domestic user to fill out a questionnaire and submit it for the Control Authority's use in determining whether the industrial user is a potential significant user, as well as to determine changes or lack of changes in the user's facilities.

(Ord. 182, passed 6-8-93)

§ 50.057 APPLICATION FOR PERMIT.

(A) The Control Authority may notify an industrial user of its belief that the industrial user is, or may be, a significant user. Upon notification, the industrial user shall complete and submit an application for a wastewater discharge permit in the manner informed by the Control Authority. Failure of the Control Authority to so notify an industrial user shall not relieve any significant user of a duty to obtain a permit as required by this chapter.

(B) Existing industrial users shall submit a completed application on the form provided by the Control Authority within 60 days after being so directed and provided a form by the Control Authority.

(C) Proposed new industrial users shall request an application form and submit the completed application at least 90 days prior to the startup.

(D) An industrial user which becomes subject to a new or revised National Categorical Pretreatment Standard and which has not previously submitted an application for a wastewater discharge permit as required by this subchapter shall apply for a wastewater discharge permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. The Control Authority may also initiate this action.

(E) A separate application shall be required for each separate location.
(Ord. 182, passed 6-8-93)

§ 50.058 SUPPLEMENTAL INFORMATION.

In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(A) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility.

(B) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally.

(C) 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, 1972, as amended.

Southfield Township, Michigan Code of Ordinances

(D) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. The parameters shall include those applicable pollutants having merit limitations and enumerated in § 50.077, and those pollutants limited by a National Categorical Pretreatment Standard or regulations for applicable industries. For each parameter, the expected or experienced maximum and average concentrations during a one-year period shall be provided. For industries subject to National Categorical Pretreatment Standards or requirements, the date 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 the procedures established by the EPA pursuant to Section 304(g) of the Act (33 USC 1314(g)) and contained in 40 CFR Part 136, as amended, (where 40 CFR Part 136, does not include a sampling or analytical technique for the pollutant in questions, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening an Industrial Effluence for Priority Pollutants*, April 1977, and amendments or revisions thereto), or with any other sampling and analytic procedures, where appropriate and applicable, approved by the EPA; the name and address of the laboratory performing the analytical work.

(E) 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 division (D) of this section, identify which pollutants which are associated with each process.

(F) Restricted to only those pollutants referred to in division (D) of this section, a listing of raw materials and chemicals that are either used in the manufacturing process or could yield the pollutants referred to in division (D) of this section. Any user claiming immunity from having to provide the information for reasons of national security shall furnish acceptable proof of immunity.

(G) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week.

(H) Average and maximum 24-hour wastewater flow rates, including daily, monthly and seasonal variations, if any; list 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; list each combined waste stream.

(I) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points and 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 division (H) of this section.

(J) Each product produced by type, amount, process or processes and rate of production as it pertains to processes subject to production based limits under the National Categorical Standards or requirements only.

(K) The statement regarding whether or not the requirements of this chapter 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 industrial user to meet the applicable standards and requirements.

(L) Basic information on the spill containing program and the program for the prevention of accidental discharges for each of the pollutants referred to in division (D) of this section. The information provided shall include the approximate average and maximum quantities of the substances kept on the premises in the form of raw materials, chemicals and/or wastes therefrom and the containing capacity of each. Only substances which are in a form which can 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 reported. Volumes of less than 55 gallons or the equivalent thereof may not be reported unless lesser quantities can cause pass through or cause interference with the POTW.

(M) Proposed or actual hours of operation for each pretreatment system for each production process.

(N) A schematic and description of each pretreatment facility. Identify whether each pretreatment facility is of the batch type or the process type.

(O) If other than DWSD 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.

(P) If additional construction and/or operation of maintenance procedures will be required to meet the requirements of this chapter and the National Categorical Standards, the shortest schedule by which the user will provide the additional construction and/or implement the required operation and maintenance procedures.

(Q) Any other information that may reasonably be required to prepare and process a wastewater discharge permit.

(Ord. 182, passed 6-8-93)

§ 50.059 ISSUANCE.

Upon receipt of an application, the Control Authority shall review the application, determine and so notify the industrial user, the township, and the county of any of the following:

(A) The industrial user is not required to have a wastewater discharge permit.

(B) The application is incomplete or the information only partially satisfies the information and data required by 40 CFR 403.12(a) and (b) or the Control Authority and that additional information and data are required which shall be promptly furnished.

(C) The industrial user is required to have a wastewater discharge permit. The Control Authority may withhold issuance of a permit to a significant user which has not submitted or adequately and timely reported to the Control Authority in accordance with the baseline reporting requirements of 40 CFR 403.12(a) and (b). If the Control Authority determines 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, and the township and county shall be notified by first class mail. Notification shall contain a copy of the proposed permit, so marked for the industrial user's review. An industrial user may contest the determination of the

Control Authority, any term or condition of wastewater discharge permit, including modifications thereof, by filing a request for reconsideration in accordance with the procedures set forth in this subchapter. In the event of the request, the contested terms and conditions of the proposed permit shall be stayed pending the Control Authority's review of the contested issues. If the permit is not contested or if the industrial user fails to respond within 20 days after receipt of the proposed permit, the permit may be issued as proposed. A permit shall be issued upon resolution of the Control Authority of any contested terms or conditions. Only one facility location shall be included in each permit.

(Ord. 182, passed 6-8-93)

§ 50.060 CONDITIONS OF PERMIT.

(A) Wastewater discharge permits shall be deemed to contain all the provisions of this chapter, other applicable laws, rules, regulations, user charges and fees established with repetition therein. Permits may also contain the following:

- (1) Limits on the average and maximum wastewater constituents or characteristics if more restricted than or supplemental to the numerical limits enumerated in § 50.077 of this chapter or the applicable National Categorical Pretreatment Standards;
- (2) Limits on average and maximum rate in 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 schedule;
- (6) Requirements for the prevention of accidental discharges in the containment of spills;
- (7) Restrictions based on the information furnished in the application;
- (8) Compliance schedules. The following conditions shall apply to these schedules:
 - (a) The schedules 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 (such as, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and the like).
 - (b) No increment referred to in subsection (8)(a) shall exceed nine months.

Southfield Township, Michigan Code of Ordinances

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the industrial user to return to the established schedule. In no event should more than 75 days elapse between each progress report to the Control Authority.

(d) The compliance schedule embodying industrial user's wastewater discharge permit shall be binding until the expiration in fulfillment of the schedule or until the permit is modified. Changes to the compliance schedule which are acceptable to the Control Authority shall be incorporated into the wastewater discharge permit by modification thereof. Any deviations from the compliance schedule may result in the industrial user being found in violation of this section.

(9) Reporting requirements. In addition to the above the following reporting requirements shall apply:

(a) All permittees shall submit a report to the Control Authority in the prescribed form, or an alternative approved form 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 section. The report shall be submitted at six-month intervals, unless required more frequently, on the schedule to be established by the Control Authority for each permittee. Except for permittees subject to National Categorical Pretreatment Standards or requirements, a permittee who has demonstrated consistent compliance with the permit for a period of one year or more (which contains no compliance schedule), may request in writing to be excused from submitting the required reports at the required interval. Upon review and acceptance of the request, the Control Authority may grant a less frequent reporting interval. The report shall state whether all requirements of the permit are being met and what progress is being made on work under compliance schedules. The report shall also contain projections of compliance for the next six months. At a minimum, the report shall also contain a dated and signed analytical report of at least one representative discharge sample taken during the period since the last report. If the Control Authority has sampled the permittee's effluence since the last report, the Control Authority's analytical report may be substituted for that of the permittee's. The analytical report shall show the concentration of each substance for which there is a specific limitation in the permit. The report shall be signed and dated by the authorized representative of the industrial user.

(b) Permittees subject to National Categorical Pretreatment Standards or requirements shall submit compliance reports at the times and intervals specified by the Federal Regulations and the Control Authority. Compliance reports shall be submitted to the Control Authority no later than 90 days following the final compliance date for a standard and at six-month intervals thereafter on the schedule established by the Control Authority for each permittee as stated above. New sources shall commence reporting at the time of initial discharge into the system. The report shall be on a form prescribed by the Control Authority or on an approved alternative form and shall indicate the nature and concentration of all pollutants and the discharge from each regulated process which are limited by National Categorical Pretreatment

Standards and the records of each day's flow for each process unit in the industrial user's facility which is regulated by these pretreatment standards. The combined waste treatment formula may be used for reporting purposes after the initial information has been furnished to the Control Authority provided there have been no changes to the elements composing the combined waste stream. These reports shall contain the results of sampling of the discharge and analysis of pollutants contained therein cross referenced to the related flow or production en masse as required to determine compliance with the applicable National Categorical Pretreatment Standards. The frequency of monitoring shall be as prescribed in the applicable General Pretreatment Regulations (40 CFR Part 403) or by the Control Authority, whichever is more stringent. All sampling and analysis shall be performed in accordance with applicable regulations. Where 40 CFR Part 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 set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluence for Priority Pollutants*, April, 1977, and amendments and revisions thereto, or with any other sampling and analytical procedures approved by the EPA for these purposes. 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 construction is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This report shall be signed, dated and certified by an authorized representative of the industrial user or a registered professional engineer.

(10) Other requirements reasonably necessary to ensure compliance with this chapter.

(B) To the extent the Control Authority seeks to impose restrictions in a permit which are more restrictive than established in this subchapter, the Control Authority shall provide written documentation to substantiate the necessity of greater restriction for protection against pass through, interference, or violation of the NPDES permit. (Ord. 182, passed 6-8-93)

§ 50.061 DURATION.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a lesser period of time or may be stated to expire on a specific date; however, permits shall not be issued for a period less than one year. Existing permittees shall apply for a permit reissuance a minimum of 90 days prior to the expiration of existing permits on a form prescribed by the Control Authority. Upon timely application for reissuance of a permit in accordance with this section by a permit holder, the expired permit shall be automatically extended until modified or reissued by the Control Authority.

(Ord. 182, passed 6-8-93)

§ 50.062 MODIFICATION.

Southfield Township, Michigan Code of Ordinances

(A) The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations or requirements as identified in § 50.077 are amended or other just cause exists.

(B) 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 30 calendar days of the change, provided the information previously submitted and unchanged may not be resubmitted by the permittee. Failure of the industrial user to so apply shall be considered a violation of this subchapter. The Control Authority may also modify the permit of its own initiative based on its findings or reasonable belief of the above;

(2) Change(s) in the City of Detroit NPDES permit;

(3) Embodiment of the provisions of a conciliation agreement, court settlement or order;

(4) Any changes necessary to allow the City of Detroit to fulfill its role as Control Authority;

(5) An industrial user's noncompliance with the 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. Permittees shall request an application form and apply to the Control Authority for a modified permit within 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 section shall be confined to that information related to the newly promulgated or amended National Categorical Pretreatment Standard or requirement. However, information previously submitted may not be duplicated, insofar as previously submitted information continues to be current and applicable. The Control Authority may also initiate this action. The industrial user shall be informed of any proposed change in its permit at least 60 days prior to the proposed effective date of the change for any change initiated by the Control Authority, unless the change is the result of any enforcement action taken pursuant to this chapter.

(Ord. 182, passed 6-8-93)

§ 50.063 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 re-assigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without the written approval of the Control Authority. It shall be the permit holder's duty to notify the Control Authority of any

change within 30 days of the change. The Control Authority may revoke a permit if it determines that an unreported change has occurred. The Control Authority may require the application for a new or modified permit if a change takes place. Any succeeding person shall comply with the terms and conditions of any existing permit which the Control Authority allows to be retained.
(Ord. 182, passed 6-8-93)

§ 50.064 SMALL QUANTITY DISCHARGE; EXEMPTIONS.

(A) Industrial users whose maximum daily discharge on any day does not contain more than the following quantities of the listed pollutants, as expressed in pounds, may on a pollutant-by-pollutant basis apply to the Control Authority for an exemption from the concentration limitation set forth in § 50.077 for each pollutant. Industrial users granted an exemption shall comply with the following poundage limitations.

<i>Pollutant</i>	<i>Daily Pound Limit</i>
FOG	1.2
TSS	50
BOD	6
P	0.25
AS	0.0002
CD	0.001
CU	0.005
CN	0.003
PB	0.007
HG	0.00002
NI	0.007
AG	0.0008
CR	0.009
ZN	0.03

(B) Upon application by an industrial user who has obtained approval to discharge under the poundage limitations in division (A), the Control Authority may on a pollutant-by-pollutant basis grant an exemption from various wastewater discharge permit requirements described in § 50.077. No exemptions may be granted to industrial users subject to National Categorical Pretreatment Standards or requirements.
(Ord. 182, passed 6-8-93)

WASTEWATER DISPOSAL; PRETREATMENT STANDARDS

§ 50.075 DELEGATION OF AUTHORITY.

The City of Detroit Water and Sewerage Department, as the state-approved Control Authority, is authorized to act as agent to the township for the administration and enforcement of this subchapter. The township shall enter into contract with the City of Detroit Water and Sewerage Department which shall set forth the terms and conditions of the delegated authority, consistent with this chapter.
(Ord. 182, passed 6-8-93)

§ 50.076 DISCHARGE PROHIBITIONS.

(A) No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through.

(B) These general Discharge Prohibitions apply to such users as the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. In addition, industrial users shall not contribute the following substances to the publicly-owned treatment works:

(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 cause fire or explosion or be injurious in any other way to persons, the POTW, or the operation of the POTW;

(2) Any solid or viscous substance, in concentrations or quantities which are sufficient to cause obstruction to the flow in a sewer or other encumbrance to the operation of the POTW, such as, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshings, 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, plastics, tar, asphalt residues, residues from refining or refining of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling stones;

(3) Unless more strictly limited in this chapter, any wastewater having a pH less than 5.0 or more than 10.0 if the equivalent calcium carbonate alkalinity exceeds 300 mg/l or more than 10.5 if the equivalent calcium carbonate alkalinity is 300 mg/l or less. If an industrial user wishes to have a pH limit of 10.5, he shall monitor both pH and alkalinity;

(4) Any wastewater containing 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;

(5) Any liquid, gas or solid or form of energy which either singly or by interaction with other wastes sufficient to create a public nuisance or hazard to life or is sufficient to permit entry into the sewers for their maintenance and repair;

(6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, 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 Section 405 of the Act, with criteria, guidelines, or 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 state criteria applicable to the sludge management method being used;

(7) Any substance which will cause the POTW to violate the consent judgment in *U.S. EPA v City of Detroit et al*, CA No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System Permit;

(8) Any wastewater having objectionable color not removed in the POTW treatment process, such as, but not limited to, dye waste and vegetable tanning solutions;

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW pretreatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F (66°C) or which will cause the effluence at the wastewater treatment plant to rise above 140°F (40°C);

(10) Any pollutant which constitutes a slug;

(11) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations;

(12) Any floating fats, oil, or grease which are sufficient to cause interference with or pass through the POTW;

(13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half inch greater which are sufficient to cause interference with the POTW.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.077 SPECIFIC POLLUTANT PROHIBITIONS.

No industrial user shall discharge wastewater containing an excess of the following limitations:

(A) *Compatible pollutants.*

(1) Any fats, oil, or grease (FOG) in concentrations greater than 200 mg/l based on the average of all samples collected within a 24-hour period.

(2) Any total suspended solids (TSS) in concentrations greater than 10,000 mg/l based on a composite sample.

(3) Any biochemical oxygen demand (BOD) in concentrations greater than 10,000 mg/l based on a composite sample.

(4) Any phosphorous in concentrations greater than 500 mg/l based on a composite sample.

(B) *Non-compatible pollutants.* No industrial user shall discharge wastewater containing an excess of the following. All limitations are based on composite samples.

Southfield Township, Michigan Code of Ordinances

Total Arsenic (As)	1
Total Cadmium (Cd)	2
Total Copper (Cu)	4.5
Total Cyanide (Cd)	2
Total Lead (Pb)	1
Total Mercury (Hg)	0.005
Total Nickel (Ni)	5
Total Silver (Ag)	2
Total Chromium (Cr)	25
Total Zinc (Zn)	15
Aroclor 1260 Polychlorinated	0.0005
Biphenyl (PCB)	
Total Polychlorinated	0.001
Biphenyl (PCB)	
Phenolic (4AAP) Compounds which cannot be removed by the POTW treatment plant as determined by the EPA approved method or amendments thereto.	0.5

(C) Commencing on or before July 1, 1988, no industrial user classified as a significant user shall discharge wastewater containing Total Iron in excess of 1,000 mg/l based on a composite sample. Industrial users having Total Iron discharged concentrations greater than 1,000 mg/l shall submit a compliance schedule by July 1, 1987 for achieving the 1,000 mg/l limitation by July 1, 1988. This limitation shall not apply to the discharge to internal circulating water from heat exchangers during the cleaning cycle.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.078 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(A) *Compliance required.* National Categorical Pretreatment Standards and requirements promulgated pursuant to the Act by the effective date of this chapter shall be met by affected dischargers provided, however, that if a more stringent standard or requirement is applicable pursuant to this chapter, state law, or regulation, then the more stringent standard or requirement shall be controlling. The Control Authority may, by rule or regulation, require compliance with National Categorical Pretreatment Standards and requirements promulgated after the effective date of this chapter. Affected dischargers shall comply with the applicable reporting requirements under 40 CFR Part 403 and as established by the Control Authority.

(B) *Intake water adjustment.* Industrial users seeking adjustment of the National Categorical Pretreatment Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 CFR 403.15. Upon notification of the approval of the U.S. EPA, the adjustment shall be applied by modifying the permit accordingly.

(C) *Modification of National Categorical Pretreatment Standards.* The Control Authority may apply to the Michigan Department of Natural Resources, or the United States Environmental Protection Agency, whichever is applicable, for authorization to grant removal credits in accordance with the requirements and procedures of 403.7. The authorization may only be granted when the POTW treatment plant can achieve consistent removal of each pollutant for which removal credit is being sought provided that any limitation on the pollutant(s) in the NPDES permit are neither being exceeded or pose the prospect of being exceeded as a result of the removal credit being granted. Should this authorization be given to the Control Authority, any industrial user desiring to obtain this credit shall make an application to the Control Authority, consistent with the provisions of 40 CFR 403.7 and this chapter. Any credits which may be granted under this provision may be subject to modification or revocation as specified in 40 CFR 403.7 or as determined by the Control Authority. A prerequisite to the granting of any removal credit may be that the industrial user pay a surcharge based on the amounts of the pollutants removed by the POTW, the surcharge being based on fees or rates which the Board may establish and, when appropriate, revised from time to time. Permits shall reflect or be modified to reflect any credit granted pursuant to this section.

(Ord. 182, passed 6-8-93)

§ 50.079 DILUTION PROHIBITED.

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 this chapter. Combining in-plant waste drains or modulating the release of pollutants upstream of the sampling point prior to the point of discharge into the public sewer shall not be construed as dilution except as otherwise restricted by National Categorical Pretreatment Standards or requirements.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.080 HAULED-IN WASTEWATER.

Unloading liquid or solid wastes from hauling vehicles directly into the POTW with or without the benefit of pretreatment is prohibited, unless the person proposing to unload the wastes has applied for and received a permit from the Control Authority for unloading wastes in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms, conditions, surcharges, fees or rates as

established by the Board. The Control Authority may establish specific limitations for sludges from township-owned or operated POTW treatment plants which are different than the specific limitations of this chapter.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.081 RIGHT OF REVISION BY TOWNSHIP.

The township reserves the right to establish different or more stringent limitations or requirements on discharge to the POTW.

(Ord. 182, passed 6-8-93)

§ 50.082 ACCIDENTAL DISCHARGES; REQUIREMENTS AND PROCEDURES.

(A) *Accidental discharges.* Each industrial user shall provide protection from accidental discharge of prohibitive materials or other substances regulated by this chapter. Facilities and measures to prevent and abate accidental discharges shall be provided and maintained at the owner's or industrial user's cost or expense. All significant users shall submit to the Control Authority detailed plans showing facilities and operating procedures to provide protection against accidental discharges. All existing significant users shall complete and submit the plan within 180 days of the effective date of this chapter. New significant users shall submit such a plan prior to the time they commence discharging.

(B) *Notification requirements.* Within one hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, state, Control Authority or township laws, rules, regulations, or permit requirements and the degree of exceedance appears to be more than twice the allowable concentration, the industrial user shall telephone the Control Authority at its control center and notify the Control Authority of the discharge. The notification shall include the name of the caller, location and time of discharge, type of wastewater, estimated concentration of excessive or prohibited pollutants and estimated volume. Within five 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. When required by the Control Authority, the industrial user's wastewater discharge permit shall be modified to include additional measures to prevent future occurrences. The notifications shall not relieve the industrial user of any expense, 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 damage to person or property. However, notification received pursuant to this section or information obtained by the exploitation of the notification shall not be used against any individual in any criminal case, except in prosecution for perjury or for giving a false statement. This immunity shall not bar the criminal prosecution of non-natural persons, nor shall it bar the pursuit of administrative or civil remedies against any person.

(C) *Notice to employees.* A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees of whom to contact in the event of an actual or potential excessive or prohibitive discharge.

(D) *Recovery of costs.* Any user discharging in violation of any of the provisions of this section which produces a deposit or obstruction, or causes damage to or impairs the POTW, or causes the City of Detroit to violate its NPDES permit, shall be liable for any expense, loss, damage, penalty or fine incurred because of the violation or discharge. Prior to assessing the costs, the Control Authority shall notify the user of its determination that the user's discharge was the proximate cause of damage, obstruction, impairment or violation of the City of Detroit's NPDES permit and the intent to assess the costs to the user. Any 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 section. The charge shall be in addition to, not in lieu of, any penalties or remedies provided under this chapter, other ordinances, statutes, regulations, or at law or in equity.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.083 VARIANCE.

The Control Authority may grant a variance from the limitations set forth in § 50.077 in accordance with the terms of the delegation agreement between the township and the Control Authority and in accordance with rules adopted by the Control Authority which set forth the guidelines, standards, procedures, fees, and charges by which a person may be granted a variance. A variance shall not be granted to a user if it would result in a violation of the terms of the delegation agreement between the township and the Control Authority or of an applicable National Categorical Pretreatment Standard or allow a prohibited discharge (violate 40 CFR 403.5) or cause the POTW to be in noncompliance with its NPDES permit. A user requesting a variance shall have the burden of showing that any guidelines or standards adopted by the Board have been met before a variance may be granted. The Board may adopt fees or charges for reviewing a variance application which shall be paid by user upon applying for a variance.

(Ord. 182, passed 6-8-93)

§ 50.084 FEES.

(A) It is the purpose of this section to provide for the recovery of costs from industrial users of the POTW. The applicable charges and fees shall be sufficient to meet the cost of the operation, maintenance, improvement or replacement of the system or as provided by law, contractual agreement, or Board action.

(B) Charges and fees shall include, but not be limited to the following:

(1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Control Authority's industrial waste control and pretreatment programs;

(2) User fees based on volume of waste and concentration or quantity of specific pollutants in the discharge;

(3) Other fees deemed necessary to carry out the requirements contained herein or as may be required by law.

(C) The charges and fees provided for in this section shall be set forth in a fee resolution or fee ordinance adopted by the township in its discretion, together with any other fees and charges authorized by this section, which may be amended from time to time.

(Ord. 182, passed 6-8-93)

§ 50.085 MONITORING FACILITIES.

Significant 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 Control Authority and the industrial user and to enable the Control Authority to conduct other monitoring and sampling as required for determining compliance with discharge requirements, limits, and standards as provided by this subchapter. The sampling manholes should be situated on the industrial user's premises in a location readily accessible to the Control Authority. It shall be the responsibility of the industrial user to obtain any necessary approvals from the township or other government entities which may be required by the location and construction of monitoring facilities in a public street or sidewalk area. This construction shall only occur when another location would be impractical or cause undue hardship upon the industrial users. In no case shall the location be obstructed by landscaping or parked vehicles. There shall be ample room in or near the 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 on public or private property, the sampling and monitoring facility shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.086 INSPECTION, SAMPLING, AND RECORD KEEPING.

For purposes of administering and enforcing this subchapter, the Control Authority may inspect the establishment, facility or other premises of the industrial user. The Control Authority shall have ready access to the industrial user's premises to engage in inspection, sampling, compliance, monitoring and/or metering activities. Each inspection activity shall be commenced and completed at reasonable times, within reasonable limits and in a reasonable manner. The Control Authority shall, upon arrival at the industrial user's premises, inform the industrial user or the industrial user's employees that sampling and/or inspection is commencing and that the industrial user has the right to observe the inspection and/or sampling. While performing work on

private properties, the Control Authority in the township shall observe all reasonable safety, security, and other reasonable rules applicable to the premises established by the industrial user. Representatives of the Control Authority shall bear proper credentials and identification and shall be accompanied by a representative of the industrial user, at the industrial user's option. The Control Authority shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge into the POTW. However, employees or representatives shall not be restricted from viewing any of the facility site. The Control Authority may take photographs of facilities subject to this subchapter unless specifically prohibited by the industrial user upon the request to be permitted to take photographs. 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 a presentation of appropriate credentials, the Control Authority will be permitted to enter immediately for the purposes of performing their specific responsibilities. Significant users shall sample and analyze their discharges in accordance with the provisions of their permits. The Control Authority may request such samples to be split for the Control Authority's independent analysis. Industrial users shall maintain records of all information from monitoring activities required by this section or by 40 CFR 403.12(o). Industrial users shall maintain the records for no less than three years. This period of record retention shall be extended during the course of any unsolved litigation regarding the discharge of pollutants by the industrial user or the operation of the City of Detroit's industrial pretreatment program or when requested by the Control Authority, EPA, or the state. Industrial users shall, upon the request of the Control Authority, furnish information and records relating to discharges to the POTW. Industrial users shall make records readily accessible at all reasonable times, and allow the Control Authority to copy those records. In the event the Control Authority obtains samples, and analyses are made of the samples, a copy of the results of the analyses shall be promptly furnished to the owner, operator or agent in charge of the premises upon written request by the industrial user's authorized representative. When requested by the industrial user, the Control Authority shall leave 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 Control Authority shall be controlling unless proven invalid. In the event a grab sample of the industrial user's discharge is obtained and analyzed by the Control Authority and found to contain concentrations of pollutants which are two or more times greater than the numeric limitations for composite samples as listed in § 50.077, the industrial user shall be required to provide a written report describing the cause of greater concentration and a description of the means by which the concentration may be held to values of less than two times the composite sample concentration limitation in the future.

(Ord. 182, passed 6-8-93)

§ 50.087 CONFIDENTIAL INFORMATION.

Southfield Township, Michigan Code of Ordinances

(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 Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. All claimed confidential information must be clearly marked "confidential." When requested by the person furnishing the report, the portions of a report which disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this subchapter, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or Pretreatment Programs; provided, however, that those portions of a report shall be available for use by any local, state or federal agency in judicial review of enforcement proceeds involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency until and unless a ten-day notification of intent to transmit is first given to the industrial user.

(B) All information with respect to an industrial user on file with the Control Authority shall be made available upon request by that user or the user's authorized representative during normal business hours.

(Ord. 182, passed 6-8-93)

PRIVATE SEWERS

§ 50.100 ESTABLISHING REGULATIONS.

The township, by and through its Township Board, does hereby determine and declare that the improper installation of septic tanks and private sewer systems within the township has caused and is causing unhealthful and dangerous conditions, and that to eliminate, insofar as possible, the perpetuation of those conditions, it is necessary for this township to establish rules and regulations concerning the persons who install these devices in accordance with the authority granted to the township under Public Act 246 of 1945, being M.C.L. §§ 41.181 *et seq.*, in order to preserve public health and general welfare of persons located in and near to this township.

(Ord. 132, passed 11-24-53)

§ 50.101 LICENSE REQUIREMENTS; BOND.

(A) After the effective date of this subchapter, no person, persons, company or corporation shall install or cause to be installed within the township any septic tank, private sewer system, or any of the accessories thereto, including drain tile affixed to

Southfield Township, Michigan Code of Ordinances

the septic tank, drainage fields, seepage beds or other adjuncts to the system unless and until the person, persons, company or corporation has received a license from the township as hereinafter provided; provided, however, that nothing herein contained shall prevent the resident living on a given plot of ground from installing a septic tank or private sewer system upon his own property for the use of himself and his own family, provided the installation is made under the supervision of the Building Inspector of this township and in accordance with the standards set forth in the building code adopted by the township.

(B) In order to obtain a license, the applicant shall complete and tender to the Township Clerk a form of application in the form as may be approved by the Building Inspector of this township which shall include among other data, the name of the applicant, his residence address, his business address, how long he has been in business of installing septic tanks or private sewer systems, his experience in connection therewith, the number of persons employed by him and their qualifications and other data as may be deemed to be helpful to the Building Inspector.

(C) When the application has been received and properly completed, it shall be referred to the Building Inspector of the township. He shall investigate the applicant, making inquiries or investigation that he believes necessary. If the investigation discloses that the applicant has the qualifications stated in his application and appears to be reasonably qualified to make the installation, and if the applicant has not been in difficulty with the Building Departments of this township or other municipalities with respect to the installation of sewage systems, the Building Inspector shall approve the application and return it to the Township Clerk with his approval endorsed thereon. The Township Clerk shall issue no license to any applicant whose application has not been approved by the Building Inspector.

(D) If the application shall be approved as aforesaid, the applicant shall file a bond running to and in favor of the township, which bond shall be in the amount of \$1,000 if a cash deposit is made, or in the amount of \$2,000 if a corporate surety bond is provided. The condition of the bond shall be that if in the installation or any part of any installation of any septic tank or private sewer system shall be faulty, and if the applicant shall fail to correct the faulty installation upon notice by either the property owner or the township, without cost to the property owner, or if a failure in the system should occur within one year after the installation thereof by reason of faulty installation, and the condition is not corrected upon request, without cost to the property owner, then the township, after the expiration of ten days from the date of the request to the applicant, shall be authorized to proceed, either by its own personnel or by private contractor, to repair and correct the installation; and the cost of the repair shall be charged to the applicant and if he shall, for 30 days after the rendition of a bill or invoice with respect to the work fail to pay the cost thereof, may be collected from the cash bond or from the surety company writing the aforesaid bond.

(E) Upon filing of a bond in proper form, as conditioned in division (D) of this section, a license shall be issued to the applicant authorizing him to install septic tanks and private sewer systems in the township. No bond issued by a corporate surety company shall be approved unless the company is licensed to do business in the state. (Ord. 132, passed 11-24-53)

§ 50.102 STANDARDS.

In determining whether or not any installation is faulty, the standards set forth in the building code of the township as amended, shall be the measure of the propriety of performance of the applicant; provided, however, that if an installation is made which conforms to the terms of the building code at the time of installation, no subsequent amendment of this chapter shall require a higher or different standard of installation than was proper and legal at the time the installation was made.

(Ord. 132, passed 11-24-53)

§ 50.103 TERMS OF LICENSE.

All licenses shall run for a period of one year, beginning on the first day of March of each year and running until the last day of February of the following year; provided, however, that the first license issued shall run from the date of its issuance until the last day of the next succeeding February. The bond required shall have a term beginning on the effective date of the license and running until one year after the close of the year or partial year for which the license is issued.

(Ord. 132, passed 11-24-53)

§ 50.104 FEES.

At the time of filing an application for a license, each applicant shall pay a fee of \$5 to cover the cost of investigation of the information contained in the application and any other investigation desired by the township officials. The fee so paid shall in no event be returned to the applicant. If the application is approved, the license shall be issued without further cost to the applicant.

(Ord. 132, passed 11-24-53)

ADMINISTRATION AND ENFORCEMENT

§ 50.115 VIOLATIONS FOR NONCOMPLIANCE.

It shall be a violation of this chapter for any user to do any of the following:

- (A) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;
- (B) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics;
- (C) Refuse reasonable access to the industrial user's premises or waste discharge for the purpose of inspection or monitoring;
- (D) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit; and

Southfield Township, Michigan Code of Ordinances

(E) Fail to comply with any limitation, prohibition, or requirement of this chapter, including any rule, regulation, or order issued hereunder; however, if an industrial user acts in full accordance with a compliance schedule approved and incorporated into the industrial user's wastewater discharge permit pursuant to the provisions of this chapter, that industrial user shall be deemed to be in compliance with the requirements of this chapter, addressed by the compliance schedule. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this chapter shall be deemed to be in compliance with the requirements of this chapter, and permits shall remain in effect and be enforceable under this chapter until the expiration date of the permit or until a superseding permit is issued, whichever occurs first. Industrial users shall comply with National Categorical Pretreatment Standards and requirements on the date specified in the federal regulations, regardless of compliance schedules.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.116 UPSETS.

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with limits imposed under this chapter or National Categorical Pretreatment Standards if the requirements of division (B) of this section are met.

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

(1) An upset occurred and the industrial user can identify the specific 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 industrial user has submitted the following information to the department, orally or in writing, within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(a) A description of the discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(C) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(D) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this chapter upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternate 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.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.117 EMERGENCY SUSPENSION AND ORDER.

The Control Authority may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where suspension is necessary, in the opinion of the Control Authority, 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 of a failure of the person to comply voluntarily with a suspension or revocation order, the Control Authority shall take 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 these steps are taken, the Director shall immediately notify the industrial user in writing of the action and the specific recourse available and shall provide the industrial user with an opportunity for a hearing before the Director or his designated representative within ten days of the action. The Control Authority shall notify the township whenever notification is made to an industrial user pursuant to this section, in writing, within 72 hours of the action. The Control Authority shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement to the Control Authority within 15 days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

(Ord. 182, passed 6-8-93)

§ 50.118 NOTICE OF VIOLATION.

(A) *Service of written notice.* Except in the case of any actual or threatened discharge as specified in § 50.116, whenever the Control Authority has reason to believe that any industrial user has violated or is violating this chapter, the Control Authority shall serve upon the industrial user a written notice stating the nature of the violation.

(B) *Notice of Control Authority action.* The township or designated department thereof shall be notified by the Control Authority of any enforcement activity taken within its boundaries.

(Ord. 182, passed 6-8-93)

§ 50.119 ADMINISTRATIVE ACTIONS.

(A) *Authority to take action.* Whenever the Control Authority has reasonable grounds to believe that sewage, waste, or other substances of any kind are being or have been discharged into the wastewater system of the POTW in violation of this

chapter, wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Control Authority may, except in the case of emergency or flagrant violation, by conferences, notices, or corroboration, endeavor to the fullest extent possible to have the industrial user eliminate or remedy the violation.

(B) *Conferences.* The Control Authority may order any person who violates this chapter to attend a conference when the Control Authority may endeavor to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violations shall be served at least ten days before the scheduled conference and shall set forth the date, time, and place thereof. The township shall be notified in accordance with the terms and conditions of the Delegation Agreement which it shall enter into with the Control Authority. The conference shall be conducted by a representative of the Control Authority. The industrial user shall present a plan and schedule for achieving compliance with this chapter. The conference attendees may agree upon a compliance schedule which sets forth the terms and conditions and time period or schedule for full compliance. Nothing contained herein shall require the Control Authority to accept or agree to any proposed plan or schedule or prevent the Control Authority from proceeding with the show cause hearing as set forth in division (C) of this section. Should the attendees agree to a compliance schedule, the industrial user's wastewater discharge permit shall be modified accordingly. An industrial user must exhibit good faith and expeditious efforts to comply with this chapter and any procedures, requirements and agreements hereunder.

(C) *Show cause hearing.* The Control Authority may order any industrial user who violates this chapter, or allows a violation to occur, to show cause before the Control Authority why a proposed enforcement action should not be taken. A notice shall be served on the industrial user specifying the time and place of the hearing before the Control Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Control Authority why a proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing, with copies to be provided to the township as provided in the delegation agreement. Service may be on any agent or officer of a corporation or authorized representative.

(D) *Hearing proceeding.* A representative of the Control Authority shall conduct a show cause hearing and take the evidence, and may do the following:

(1) Issue in the name of the Control Authority notices of hearings requesting the attendance and the testimony of the witnesses and production of evidence relevant to any matter involving the hearings;

(2) Transmit a report to the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director and the township for action thereon. At any show cause hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically;

(3) After a show cause hearing has been conducted, an order may be issued to the industrial user by the Control Authority directing any of the following actions:

Southfield Township, Michigan Code of Ordinances

(a) Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this chapter or applicable local, state or federal law or regulation;

(b) That 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. Sewer or wastewater treatment service may be discontinued upon failure to comply;

(c) Submission of compliance reports and effluent quantity and quality as determined by self-monitoring and analysis during a specified time period;

(d) Submission of period reports and effluent quantity and quality 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 Control Authority during compliance efforts; and

(g) Any other orders that 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.

(E) *Public participation.* A list of all industrial users which were the subject of enforcement proceedings pursuant to §§ 50.115 through 50.120 during the 12 previous months shall be annually published by the Control Authority in the largest daily newspaper, published in or generally circulated in the township, summarizing the enforcement actions taken against the industrial users during the same 12 months whose violations remain uncorrected 45 or more days after notification of noncompliance over that 12-month period, or which involved failure to accurately report noncompliance or require the Control Authority to use its emergency authorities. All industrial users identified in the proposed publication shall be provided a copy of that proposed notice at least 30 days before publication and shall be provided with an opportunity to comment as to its accuracy.

(Ord. 182, passed 6-8-93)

§ 50.120 LEGAL ACTIONS.

(A) Any user who violates any provision of this chapter, including the failure to pay any fees, 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 chapter or wastewater discharge permit or who tampers with, or knowingly renders inaccurate any monitoring device required under this chapter is guilty of a misdemeanor and shall, upon conviction, be punished as provided in § 10.99. The Control Authority is hereby

authorized, consistent with the terms and conditions of the delegation agreement entered into by the township with the Control Authority to seek, through its counsel, prosecution of criminal charges against any person violating any provision of this chapter.

(B) If any person discharges sewage, industrial waste or other waste into the POTW contrary to the provisions of this chapter, permit or order issued thereunder, the township or the Control Authority or both may commence a civil action to enjoin the discharge or to enforce compliance with this chapter, permit, or order issued thereunder, in the Circuit Court for the County of Oakland or other appropriate court. Upon a proper showing of a violation of this chapter, permit or order issued thereunder, a permanent or temporary injunction may be granted without bond.

(C) The Control Authority or the township, or both, may also seek additional legal and/or equitable relief. Instituting suit in a circuit court does not constitute an exclusive election of remedies and does not prohibit the Control Authority or the township from commencing action in federal court for discharges believed to be in violation of this chapter, state and federal requirements pursuant to the Clean Water Act, City of Detroit's NPDES permit, or other applicable laws or requirements. The Control Authority or the township may also recover reasonable attorneys' fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated provisions of this chapter or the other orders, rules, regulations, and permits issued hereunder.

(Ord. 182, passed 6-8-93) Penalty, see § 10.99

§ 50.121 REVIEW AND APPEAL.

The following procedures control the course of reconsideration and appeal to the Control Authority with respect to the construction, application, or enforcement of this chapter and may be used if informal methods do not achieve satisfaction.

(A) Any permit applicant, permit holder, authorized industrial wastewater discharger, or other discharger adversely affected by any decision, act, or determination made by or on behalf of the Control Authority by the Director, or his authorized representative, in interpreting or implementing the provisions of this chapter or any permit issued thereunder, with the exception of any decision, determination or order made following a show cause hearing pursuant to this chapter may file with the Control Authority a written request for reconsideration. The request shall be received at the Control Authority's general offices within 20 days of the date of the occurrence of the Control Authority's action of decision to dispute. All requests shall set forth the requestor's name, address, along with a brief statement of the reasons it is requesting and the factual basis for the request. The request shall be filed in triplicate and sent by certified mail to the general offices of the Control Authority.

(B) The Control Authority shall notify the applicant within 15 days after receipt of any requests for reconsideration of the time and place for hearing upon the request. The hearing shall be conducted by the Director or his authorized representative not less than 10 days and not more than 30 days after mailing the notice. The hearing may be continued for a reasonable time for good cause shown at the discretion of the Director.

Southfield Township, Michigan Code of Ordinances

The hearing shall be held as an informal consultation in conference in which the requestor, in person or by counsel, shall present his argument, evidence, data, and proof in connection with the issues submitted. The party shall not be bound by the legal rules of evidence. The hearing shall be recorded and the requestor shall be provided with the transcript thereof upon request and upon payment of the cost thereof. The decision of the Director shall be made known to the requestor by certified mail within 30 days after the hearing.

(C) The requestor may appeal a ruling of the Director on the request for reconsideration or any order or decision issued following a show cause hearing pursuant to this chapter by filing a request for an appearance before the Board. Procedures for appearance before the Board will be determined by the Board, and the requestor will be notified of these procedures within 30 days after the request is filed.

(D) The filing of a request for reconsideration or for appeal in appearance before the Board shall stay any action by the Control Authority, unless the action is immediately necessary to prevent pass through, interference, or other significant harm to the POTW.

(Ord. 182, passed 6-8-93)