

CHAPTER 17 WATER AND SEWERS*

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ARTICLE I IN GENERAL

Sec. 17-001. Fees and performance bonds

The Township Board shall establish by resolution a schedule of fees, escrow, cash reserve funds, and performance bond requirements intended to cover the costs associated with the procedures regulated by this Chapter, which may be modified by resolution of the Township Board as necessary.

Sec. 17-002. Violations; Civil infractions unless otherwise provided

Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as provided in Section 1-010(b).

Secs. 17-003--17-025. Reserved.

ARTICLE II INSPECTIONS

Sec. 17-026. Short title

This article shall be known and cited as the "Water and Sewer Inspection Ordinance." It shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such title, and reference to the number hereof.

(Comp. Ords. 1986, § 26.201)

Sec. 17-027. Statement of purpose

The purpose of this article is hereby declared to be:

- To prevent the contamination and blockage of public water and sanitary sewer systems.
- To require permits by public works contractors on any adjustment, reconstruction, relocation, or alteration of certain facilities.
- To require minimum standards of repair and relocation by contractors.
- To provide for Township inspections, performance bonds and reserve funds.
- To establish fee schedules for permits and inspections.

(Comp. Ords. 1986, § 26.202)

(CHAPTER 17, ARTICLE II cont.)

Sec. 17-028. Definitions

In addition to those rules of construction and definitions contained in Sections 1-002, the following definitions shall be applicable in the interpretation of this article:

Contractor means one who contracts or is a party to a contract to perform work.

Curbstop and box means a valve on the water service line, with a round telescoping tube that allows operation of the valve without excavation.

Hydrants means a discharge pipe with a valve and nozzle from which water may be drawn from the water main.

Sanitary sewer manholes means a concrete, brick, or block structure that provides access to the sewer for cleaning and maintenance.

Township utilities means the public water and/or sanitary sewer systems operated by the Township.

Valve boxes means a round metal telescoping tube that allows operation of the valve without excavation.

Water gate wells means a concrete, brick or block structure that houses a valve on the water main.

(Comp. Ords. 1986, §§ 26.220--26.226)

Sec. 17-029. Plan review

Before any work on or related to Township utilities, the Public Works Official or Township Engineer shall first review and approve all plans and specifications for the work which shall be submitted by the permit applicant and be by a design engineer or the governmental organization. In the event the plans and specifications do not adequately insure for the proper protection, adjustment, and delineation of Township utilities, the plans shall be rejected. Rejected plans shall be returned to the applicant for correction.

(Comp. Ords. 1986, § 26.230)

Sec. 17-030. Permit and inspection fee

- (a) Any contractor to perform work within a public right-of-way or easement on or for Township utilities shall first apply for and obtain a permit from the Public Works Official, including but not limited to work involving the adjustment, reconstruction, relocation or alteration of water gate wells, valve boxes, fire hydrants, curb-stops or sanitary sewer manholes. A non-refundable permit fee as established in accordance with Section 17-001 shall accompany the application.
- (b) Prior to starting any work for which a permit is required herein, the contractor shall notify the Public Works Official at least twenty-four (24) hours in advance of a time designated for inspection.
- (c) All construction inspection fees shall be deposited prior to commencement of construction activities. Such fees will be held in an escrow account until all work is completed. All unused fees will be returned to the owner. If further inspection is required upon depletion of inspection deposit, additional site work may be stopped until additional funds are deposited.

(Comp. Ords. 1986, § 26.240; Ord. of 12-11-1995)

Sec. 17-031. Performance bond

The contractor shall provide, prior to a permit being issued, a performance bond in the form of cash, or irrevocable bank letter of credit, surety bond, or other security in a form acceptable to the Public works Official, for each project in the amount as established in accordance with Section 17-001 as security for the faithful performance of the work in accordance with the plans, specifications, permit and standards in this Chapter.

(Comp. Ords. 1986, § 26.250)

(CHAPTER 17, ARTICLE II cont.)

Sec. 17-032. Reserve fund

The contractor shall provide, prior to any permits being issued, a cash reserve fund as established in accordance with Section 17-001 for each project. The cash reserve shall be escrowed in a non-interest bearing account available for use by the Township during the course of the project for emergency work, such as blockage of sewer or waterlines, and/or other work as may be deemed necessary by the Public Works Official due to job difficulties. The balance of the reserve fund for each project, less funds expended by the Township, shall be returned at such times as the project has final approval by the Public Works Official.

(Comp. Ords. 1986, § 26.260; Ord. of 12-11-1995)

Sec. 17-033. Correction of defects or infiltration to system

In the event of blockage or clogging of the sewer system, or blockage of access to the sewer system, or any part thereof, including any structure which is a part thereof, caused by any action performed by any property owner or his agent, the Township may, in its sole discretion, enter onto the subject property and proceed to correct the defect without notice to such property owner or his agent. All moneys expended and reasonable costs for labor performed by the Township shall be a lien against the real property involved and shall be reported to the Assessing Official who shall assess the cost against the property on which the blockage or clogging or blockage of access to the sewer system occurred. The owner or parties of interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after such notice, the Assessing Official shall add the same to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes.

(Comp. Ords. 1986, § 26.270)

Sec. 17-034. Injunctive relief; nuisance per se

Any violation of this article is hereby deemed to be a nuisance per se and shall be enforceable through the bringing of appropriate action for injunctive relief in any court having jurisdiction.

(Comp. Ords. 1986, § 26.271)

Sec. 17-035. Miscellaneous standards

- (a) All sanitary sewer manholes shall be provided with "bolted waterproof" covers in accordance with current standards. All alterations, replacements, or adjustments of a gate well frame and cover will be in accordance with current Township standards. Any valve box found to be damaged or with missing parts shall be replaced with new material in accordance with current standards. Curb boxes damaged by the contractor shall be replaced with new material in accordance with current standards.
- (b) The County requirements as currently in effect for changing the elevation of manhole structures shall govern in all cases.

(Comp. Ords. 1986, § 26.280)

Secs. 17-036--17-050. Reserved.

(CHAPTER 17 cont.)

ARTICLE III SEWERS AND SEWAGE DISPOSAL*

*Cross references: Health and sanitation, Ch. 9.

Division 1. Generally

Sec. 17-051. Short title

This article shall be known and cited as the "Sanitary Sewer System Ordinance."
(Comp. Ords. 1986, § 25.051)

Sec. 17-052. Purpose

The purpose of this article shall be:

- (a) To provide for the maintenance, management, operation and repair of the Township sewer system.
- (b) To establish and provide for collection of such charges and rates pertaining thereto as shall be required to ensure revenues sufficient therefor.
- (c) To provide funds for payment of the Township's obligations and responsibilities to the County under the contracts pertaining thereto.
- (d) To incorporate the provisions of the Michigan Public Health Code which require connection of certain structures to the system.
- (e) To provide enforcement provisions and penalties for violations hereof.

(Comp. Ords. 1986, § 25.052)

Sec. 17-053. Definitions

In addition to those rules of construction and definitions contained in Sections 1-002 and 17-028, when used in this article, unless otherwise indicated by the context, the following definitions shall apply:

As addressed means the given place of destination by street and number or box and route, excluding a post office box, with any other details necessary for the direction of a letter or package for delivery to person. "Front foot as addressed" means the frontage of premises at the street and number or box and route addressed as owned or used by the person addressed.

Available public sanitary sewer system or system means a public sanitary sewer system located in a right-of-way, easement, street or public way which crosses, adjoins, abuts, or is contiguous to a property containing a structure in which sanitary sewage originates and which is located not more than 200 feet from the nearest point of that structure.

BOD means the biochemical oxygen demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius, expressed as milligrams per liter.

Building sewer means the sewer that connects the structure in which sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage originating in only one (1) structure.

Capital charge means the amount charged at the time and in the amount hereinafter provided to each structure in the area served by the laterals for connecting or being connected to the new construction or to existing laterals, and represents the proportionate cost allocable to such structure for the interceptor, trunk line and pumping facilities by which sewage disposal services are immediately provided to such areas.

Charges for sewage disposal services mean the amount charged to the users of each structure in the area served by the laterals for sewage disposal services, and which may include a debt service factor.

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Commercial users mean persons who are occupants or users of any structure which is involved in a commercial enterprise, business or service and which, based upon a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Compatible pollutant means a substance amenable to treatment in a publicly owned wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES Permit of the publicly owned treatment works designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such "additional pollutants" may include but not be limited to: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Debt service charge means the charge assessed users of the system which is used to pay principal, interest and administrative costs of retiring the debt incurred for the construction of the local portion of the system.

Direct connection means the connection of a premises and structure wherein sanitary sewage originates directly to sewer lines constructed by the Township.

Existing laterals means all sewer laterals in a safe and efficient operable condition existing on May 12, 1980.

Federal grant means a grant made for the construction of wastewater collection, transportation, and treatment works provided under P.L. 92-500, as amended, or other applicable Federal law.

Garbage shall be as defined in Article III of Chapter 9 of this Code on Waste Materials Control.

Incompatible pollutant means any pollutant which is not a compatible pollutant.

Indirect connection means the connection of a structure on any premises to any sewer lines not originally comprising the sewer system constructed by the Township but connecting thereto, e.g., premises served by subdivision and mobile home park private sanitary sewers which in turn connect to public sanitary sewers.

Industrial cost recovery system means a system whereby the Township recovers from industrial users of the system that portion of the grant amount allocable to the construction of the facility from such users pursuant to 40 CFR 35.928, as amended, or other applicable Federal law or regulation.

Industrial user means:

- (1) Any nongovernmental and nonresidential user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of industrial wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one (1) of the following divisions:

Division A.	Agriculture, forestry and fishing.
Division B.	Mining.
Division D.	Manufacturing.
Division E.	Transportation, communication, electric, gas and sanitary services.
Division I.	Services.

- a. In determining the amount of a user's discharge for purposes of industrial cost recovery, the Township will exclude domestic wastes or wastes from sanitary conveniences.

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- b. After applying the waste exclusion in subsection (1)a. of this section, discharges in the above divisions that have a volume exceeding twenty-five thousand (25,000) gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in twenty-five thousand (25,000) gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the type of wastes discharged from residential users, but with BOD greater than 200 mg/l and SS greater than 250 mg/l.
- (2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
- (3) All commercial users of an individual system constructed with grant assistance under Section 201(h) of P.L. 92-500.

Industrial wastes mean the wastewater discharges from industrial, trade or business process as distinct from their employees' domestic waste or waste from sanitary conveniences.

Inspection, approval and tap fee means the amount charged to each applicant by the Township to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

Lateral means a pipe or conduit, laying within the public right-of-way or easement, that receives sanitary sewage from abutting premises.

Lateral benefit fee means the amount charged at the time and in the amount hereinafter provided to the users of each structure on premises in the area served by the laterals for the availability directly to serve such structure by the new construction facilities of the system, and represents the proportionate cost allocable to such structure for the lateral service made directly available to the structure by the new construction.

Major contributing industry means an industrial user of the publicly owned sewage works that:

- (1) Has a flow of fifty thousand (50,000) gallons or more of industrial wastes per average work day.
- (2) Has a flow greater than five (5) percent of the flow carried by the public sanitary sewer system receiving the waste.
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Water Pollution Control Act.
- (4) As found by the permit issuance authority in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact either singly or in combination with other contributing industries on the treatment works or upon the quality of effluent emanating from the treatment works.

Mg/l means milligrams per liter.

Natural outlet means any outlet into a drain, watercourse, pond, ditch, inland lake or stream, or other body of surface water or groundwater.

New construction means the laterals to be constructed pursuant to a contract dated April 28, 1969, between the County and the Township and any and all future additions and extensions thereof and present and future extensions of the Clinton-Oakland System which are being built or may be built by the County under contract with the Township now or hereafter.

Normal domestic strength wastewater means a sewage or other wastewater effluent which shall be a compatible pollutant and with BOD of two hundred (200) milligrams per liter or less, suspended solids of two hundred fifty (250) milligrams per liter or less, and total phosphorus of ten (10) milligrams per liter or less.

NPDES permit means a permit issued pursuant to the National Pollution Discharge Elimination System prescribed in P.L. 92-500, as amended, or other applicable Federal or State law.

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- O & M charge*** means the charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system pursuant to Section 204b of P.L. 92-500, as amended, or other applicable Federal or State law.
- Operation and Maintenance (O & M)*** means all work, materials, equipment, utilities and other effort required to operate and maintain the system, including the cost of replacement, wastewater collection, transportation and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other county, state and federal regulations, if any.
- Owner*** means where appropriate the person who owns, occupies or uses the premises and/or structure from or in which sanitary sewage originates.
- pH*** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Premises*** means any areas of land in the Township consisting of a lot, zoning lot, or real property upon which a structure stands or may be placed or constructed and "a premises" shall mean the single area included in a street address, tax roll description or tract index description attributed to a single occupant, taxpayer or property owner.
- Present system*** means that part of the system which had been constructed as of May 12, 1980.
- Properly shredded garbage*** means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half inch in any dimension.
- Property owner*** means a person that holds or has interest in legal title to the premises according to the Township's tax and assessing records or register of deeds records, and shall include in the case of a land contract sale, the land contract vendee or vendees.
- Replacement*** means the obtaining and installing of any equipment, accessories, and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which such system was designated and constructed and to preserve its financial integrity.
- Residential equivalent or equivalent unit*** means the factor representing a ratio of the capacity requirement and estimated sewage generated by each user class to that required or generated by the normal single-family residential user.
- Residential user*** means the user of the system whose premises or structure are used primarily as a residence for one (1) or more persons including dwelling units such as detached, semi-detached, row houses, mobile homes, apartments or permanent multifamily dwellings. For purposes of this article transient lodgings shall be considered to be a "commercial" use.
- Sanitary sewage*** means the liquid or water carried waste discharge from structures on premises created by the use or occupancy thereof by persons who are residential users, commercial users or industrial users but excluding there from industrial wastes.
- Sanitary sewer*** means the sewer which carries sanitary sewage and industrial waste or either of them into which stormwater, surface water and groundwater are not intentionally admitted.
- Sewage treatment plant*** means any arrangement of devices or structures used for the treating of sanitary sewage or industrial waste.
- Storm sewers*** means a rain and stormwater runoff drainage system within which no sanitary sewage is permitted to be deposited.
- Structure*** means anything constructed or erected and located on or attached to the ground, including a dwelling and any other type of building that is designed or intended for, capable of, or actually used as or for a place of residence, employment, business, congregation, or other permanent, temporary, or intermittent use and occupancy.

(CHAPTER 17, ARTICLE III, DIVISION 1, SECTION 17-053, cont.)

Structure in which sanitary sewage originates means a structure for use for household, commercial, industrial or other purposes by persons, in which toilet, kitchen, laundry, bathing or other facilities are located and in which are or may be generated water carried sanitary sewage.

Surcharge means the additional charge which a user discharging wastewater having strength in excess of the limits set by the Township for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating such excessively strong wastewater.

Suspended solids means solids that either float on the surface of, or are in suspension in the water, sewage or other liquids and which are removable by laboratory filter.

Unit means that quantity of sanitary sewage ordinarily originating from the occupancy of a residential building by a single family. The number of units or fractional parts thereof to be assigned to types of usage other than single-family residential use shall be defined or determined by the Township Board from time to time, as hereinafter provided.

User charge means a charge on users of the system to recover costs of operation and maintenance for work performed pursuant to Section 204(b) of P.L. 92-500, as amended, or other applicable Federal or State law, which charges also include cost of replacement.

User class means the kind of the uses of structures on premises connected to the sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental users.

Wastewater means water which contains, or previous to treatment has contained, pollutants such as sanitary sewage and/or industrial wastes.

(Comp. Ords. 1986, § 25.053)

Sec. 17-054. Operation, maintenance and control

The operation and maintenance of the system shall be under the supervision and control of the Township subject to the terms of the County-Township contract. Pursuant to the terms of such contracts, the Township has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity the Township Board may employ such persons in such capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to ensure the efficient establishment, operation, and maintenance of the system, to discharge its financial obligations, and collection of rates and charges as herein provided.

(Comp. Ords. 1986, § 25.054)

Sec. 17-055. State standards adopted

The provisions of the Michigan Public Health Code, as amended, requiring connection to an available public sanitary sewer system (MCL 333.12751 through 333.12758) are hereby incorporated and adopted by reference, as if fully set forth herein.

(Comp. Ords. 1986, § 25.056)

Sec. 17-056. Connection applications and permits

Application for permit to connect to the sewer system must be made in writing by the owner of the premises. Such application shall give the exact property description including address and parcel identification number, amount of front footage as addressed, number of structures to be connected, and the name of the master plumber, or licensed sewer builder, employed to do the work, and shall be made on forms furnished for the express condition that the owner for whose benefit the connection is made, shall, on behalf of himself, his heirs, or assigns, hold the Township harmless for any loss or damage that may in any way result or be occasioned by making of such connection.

(Comp. Ords. 1986, § 25.058)

(CHAPTER 17, ARTICLE III, DIVISION 1, SECTION 17-054, cont.)

Sec. 17-057. Connection permit fees

The owner of any structure or premises within the area served by the laterals shall pay such sewer permit fee as established in accordance with Section 17-001, which fee shall reimburse the Township for any and all cost necessary to issue a permit for the connection of such premises. This fee shall be in addition to all other charges and fees set forth herein.

(Comp. Ords. 1986, § 25.059)

Sec. 17-058. House connection--Materials

The house connection sewer extending from the lateral sewer in the street or easement to within five (5) feet from the house or other structure from which sewage originates shall be:

- (a) Six-inch diameter, Extra Strength Vitrified Sewer Pipe manufactured in accordance with current N.C.P.I. Designation ER4-67 Standards, or equal, with the County approved joint.
- (b) Six-inch diameter, Class 2400 Asbestos Cement Pipe with ring-tite, fluid-tite or County approved joint.
- (c) Six-inch diameter, service strength, cast iron soil pipe with hot poured lead joint, or County approved equal.
- (d) Other pipe and joints as may be approved by the County.
- (e) Copies of specifications for County approved joints shall be on file at the office of the Township.
- (f) All house connection sewers shall be six-inch diameter pipe, except that four-inch diameter pipe of comparable strength and joint material may be used when it meets all requirements of the County and of the Township. All joints shall be tight and when tested for infiltration, or exfiltration, shall not exceed the requirements of the County. Copies of these rules and regulations shall at all times be kept in the office of the Township.
- (g) The iron pipe inside any building or structure shall be plugged and leaded, and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement if any backfilled, and the roof is on such building, thereby preventing water from entering the sanitary sewer from the excavated basement or other excavated area beneath the building.
- (h) All house leads shall be properly bedded in sand a minimum of eight (8) inches below and six (6) inches above the pipe where the type of soil is hard clay or rocky. Unstable ground conditions shall also require proper bedding.

(Comp. Ords. 1986, § 25.075)

Sec. 17-059. House connection fees and inspection

- (a) A house connection shall not be installed without a plumbing permit having been issued for same by the Township Building Official under the building/construction code, with payment of associated fees, as established for such permits and in accordance with Section 17-001. Opportunity for such inspection shall be provided after all pipe is in place and before the covering of such pipe or other backfilling.
- (b) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of such property.
- (c) All required water and sewer connection fees shall be paid in full prior to any physical connection to the public water and/or public sewer system.

(Comp. Ords. 1986, § 25.076)

Sec. 17-060. Conditions requiring sewage pump

In cases where conditions prohibit the flow of sewage by gravity, the premises may be served by a sewage ejector pump, as determined by the Public Works Official or Township Engineer.

(Comp. Ords. 1986, § 25.077; Ord. of 12-11-1995)

Sec. 17-061. Sewer connection contractors

Any person desiring to secure permits to make sanitary sewer connections shall, prior to the issuance of such permits, provide the Building Official with the following:

- (a) Surety bond. A satisfactory corporate surety bond, renewable yearly, in an amount established by the Building Official as security for the faithful performance of the work in accordance with the Township ordinances, standards, specifications, rules and regulations. The surety bond shall be

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kept in full force and effect by the sewer contractor until such contractor shall have given ten (10) days written notice to the Township of his intention to terminate such bond and shall thereafter have received a written release from the Building Official.

- (b) Reserve fund. A reserve fund shall be provided in an amount as established in accordance with Section 17-001. The cash reserve shall be escrowed in a non-interest bearing account and be available for use by the Township to reimburse:
- (1) The Township for labor required or monies expended to correct damages or deficiencies in the entire sewer system, including the portion on private property occasioned by the acts or omissions of the sewer contractor.
 - (2) Any and all owners of premises contracting with the sewer contractor for connection to the sewer, in the event the sewer contractor has perpetrated a fraud or gross, wanton breach of contract with one (1) or more owners, resulting in damages or injuries which are actionable at law or equity.

A gross or wanton breach of contract shall include any and all negligence exceeding ordinary negligence, such as overall poor or shoddy workmanship.

Upon such event occurring with one (1) or more owners, the Township Board shall have the sole discretion as to the terms of reimbursement to be made, if any. In the event such reserve funds shall be insufficient to cover reimbursement deemed necessary by the Township, the sewer contractor in question shall be liable for restitution of such costs. The contractor may be given the opportunity to correct said damages or deficiencies prior to the invasion of the reserve fund by the Township. Failure to comply with the regulations and standards of the Township, and failure to make restitution as hereinbefore mentioned may result in the immediate execution of collection procedures including all legal remedies available and shall be grounds for suspension or revocation of the sewer contractor's permit.

The balance of moneys remaining in the reserve fund, if any, shall be returned to the sewer contractor not later than one (1) year following final inspection and approval of the sewer connection, or earlier, in the discretion of the Township Board. The sewer contractor shall first be required to submit a written request for return of the reserve fund to the Building Official, who shall forward such request, along with its recommendation, within thirty (30) days to the Township Clerk.

- (c) Certificate of insurance. A certificate of insurance indemnifying the Township for public liability and property damage, with limits of at least one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each occurrence.
- (d) Contractor's license. Any person may be issued permits upon being licensed by the Township as contractors. As a pre-requisite to obtaining a contractor's license, an applicant must complete and file an application as supplied by the Building Official and pay an annual license fee in an amount as established in accordance with Section 17-001 which shall be renewable as of January first of each year. This license may be suspended or revoked upon non-compliance with the Township ordinances, standards, specifications, rules and regulations.
- (e) Connection permit. Before either a direct or indirect connection is made into any interceptor sewer system of the County, or any work done on such connection, a connection permit shall be obtained by the owner or contractor from the County. Such permit shall be obtained in accordance with the rules and regulations of the County.
- (f) Permits; total number, expiration. The total number of permits which may be issued and outstanding to any contractor at any one (1) time shall not exceed ten (10). All permits shall expire one (1) year from the date of issuance.

(Comp. Ords. 1986, § 25.078)

Sec. 17-062. Home owner connection permit

A permit shall be issued to an owner of premises only if the owner has executed an affidavit verifying the applicant is the owner and occupant, or intended occupant of the structure where the work is to be performed and performance bond conforming to Section 17-031 is provided.

(Comp. Ords. 1986, § 25.079)

(CHAPTER 17, ARTICLE III, DIVISION 1 cont.)

Sec. 17-063. Contract between sewer contractor and owner

With respect to written or oral agreements, contracts or transactions between owners of premises and a sewer contractor licensed herein, the Township, notwithstanding any provisions contained in this article, shall not be deemed to have knowledge of a contract between such parties, shall not be deemed a principal or master, or the agent or servant of the sewer contractor. The Township does not in any way act as guarantor or surety for any sewer contractor licensed herein, and does not extend warranties, expressed or implied for the contractor's performance.

(Comp. Ords. 1986, § 25.080)

Sec. 17-064. Premises lying outside Township

Any person whose property lies outside the Township desiring to connect to the sewer system shall be subject to one and one-half (1 1/2) times the normal connection fees and one and one-half (1 1/2) times the normal quarterly billing rate. Such parties outside the Township interested in connecting to the sewer system shall provide a letter of no objection from the local governing body of the township or city within which the building or property is located. The proposed connection shall thereafter be submitted to the Township Board by the Public Works Official for review and decision, in its sole discretion.

(Comp. Ords. 1986, § 25.084; Ord. of 6-24-1991)

Sec. 17-065. Sewer revenue fund account

The Township Treasurer, in conjunction with the Public Works Official, shall consolidate all existing bank accounts and funds into a single sewer bank account and fund to be managed by the Township Treasurer in accordance with the requirements of this article and with existing agreements with the County.

(Comp. Ords. 1986, § 25.085; Ord. of 6-24-1991)

Sec. 17-066. Fiscal year

The system shall be operated upon the basis of the calendar year as the fiscal year.

(Comp. Ords. 1986, § 25.090)

Sec. 17-067. Inspection powers; corrective orders

- (a) The duly authorized officials and agents of the Township shall continue at all times to have the right to enter any structure or premises within which sewage originates at any reasonable time and to examine and inspect all plumbing equipment, machinery, processes, wastes or discharges which relate to the effluents that are or have been introduced into the sewage system. This shall be in addition to and not by way of limitation of the powers otherwise possessed by the Township.
- (b) The authorized inspecting agent shall make written report of such inspection in the event the user is ordered to take preventative or corrective action. The failure of the user to:
 - (1) Permit an inspection as demanded, or
 - (2) Take the corrective action within a reasonable time as demanded,shall empower the Township Board, at its option, to terminate sewage services to the premises or bring an action for equitable relief. In the event suit is commenced, the Township shall be entitled to costs and attorney's fees where the Township prevails in the action.

(Comp. Ords. 1986, § 25.091)

Sec. 17-068. Enforcement

- (a) The provision of this article shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise in any court having jurisdiction. Any violation of this article is deemed to be a nuisance per se.

(CHAPTER 17, ARTICLE III, DIVISION 1, SECTION 17-068 cont.)

- (b) Any person convicted of disposing sewage in any manner contrary to the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-010(a) of this Code, together with costs of such prosecution; provided that no person shall be confined or jailed for a single but continuing violation for a period longer than ninety (90) days.

(Comp. Ords. 1986, §§ 25.092, 25.094)

Sec. 17-069. Right to amend

The Township specifically reserves the right to amend this article in whole or in part, at one (1) or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fees or charges presently specified herein. Adoption of this article or its subsequent amendment or repeal shall in no way change, relieve or release the contractual or legal obligation of the Township:

- (a) To make the required payments to the County under and as set forth in any contract pertaining to the Clinton-Oakland Sewage Disposal System, the Waterford Extension of the Clinton-Oakland Sewage Disposal System, and any improvements, extensions and enlargements thereof under applicable law; or
- (b) To use any other means or available funds to make the required payments to the County, and the article shall not be deemed to be a part of any contractual obligation or bond contract pertaining to such laterals.

(Comp. Ords. 1986, § 25.093)

Sec. 17-070. Civil procedures to compel compliance

The Township may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including damages for the costs or expenses thereof. The Township may join in such action or actions any number of property owners.

(Comp. Ords. 1986, § 25.095)

Secs. 17-071--17-090. Reserved

Division 2. Use Of Public Sewers

Sec. 17-091. Stormwater, groundwater and unpolluted water

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater or roof water to any sanitary sewer.
- (b) Stormwater, groundwater and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for such purpose.

(Comp. Ords. 1986, § 25.057(a))

Sec. 17-092. Prohibited discharges

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (b) Any waters or wastes which may contain more than one hundred (100) milligrams per liter, by weight of fat, oil or grease.
- (c) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive, liquid, solid or gas.
- (d) Any garbage that has not been properly shredded.
- (e) Any ashes, cinders, sand, mud, straw, shaving metal, glass, rags, feathers, tar, plastics, woods, paunch manure or any other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant.

(CHAPTER 17, ARTICLE III, DIVISION 2, SECTION 17-092 cont.)

- (g) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (h) Any industrial waste that may cause a deviation from the NPDES permit requirements, pre-treatment standards and all other state and federal regulations.
- (i) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(Comp. Ords. 1986, § 25.057(b))

Sec. 17-093. Grease, oil and sand interceptors

- (a) Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil and sand in excessive amounts. All interceptors (traps) shall be of a type and capacity approved by the **Building Official** and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight.
- (b) Where installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Comp. Ords. 1986, § 25.057(c))

Sec. 17-094. Preliminary treatment

- (a) The admission into the public sewers of any waters or wastes:
 - (1) Containing a five-day BOD greater than two hundred (200) mg/l or containing more than two hundred fifty (250) mg/l of suspended solids;
 - (2) Containing any quantity of substances having the characteristics described in Section 17-092;
 - (3) A chlorine demand of more than fifteen (15) milligrams per liter; or
 - (4) Total phosphorous concentration greater than ten (10) milligrams per liter as phosphorous, shall be subject to review and approval for acceptance by the County.
- (b) Preliminary treatment shall be provided, at no expense to the Township, as may be necessary to reduce the BOD to two hundred (200) mg/l and suspended solids to two hundred fifty (250) mg/l or to reduce objectionable characteristics of such effluent to within the maximum limits provided for in Section 17-092, or to control the quantity and rates of discharges of such waters or wastes. On direction of the Township, a person may be required to remove, exclude, or require pre-treatment of any industrial waste in whole or in part for any reasons deemed to be in the Township's interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the Township. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the Township and no construction of such facility shall be commenced until said approvals are obtained in writing. All preliminary treatment or pre-treatment shall be in accordance with federal and state laws and regulations. All expenses of Township services as to such preliminary treatment facilities plans and specifications shall be borne by the owner.

(Comp. Ords. 1986, § 25.057(d))

Sec. 17-095. Industrial wastes

- (a) The owner of any property served by a building sewer carrying industrial wastes may be required by the Township to install a suitable control manhole or other structure in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, or structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole or structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(CHAPTER 17, ARTICLE III, DIVISION 2, SECTION 17-095 cont.)

- (b) All measurements, tests and analysis of the characteristics of waters and wastes to which references are made in Sections 17-092 and 17-094 hereof shall be determined in accordance with Standard Methods for Examination of Water and Wastewater and Guidelines Establishing Test Procedures for the Analysis of Pollutants, Federal Regulations 40 CFR 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole.

(Comp. Ords. 1986, § 25.057(e))

Sec. 17-096. Rejection or surcharge of deleterious substances.

If any water or wastes are discharged to the public sewer, which contain the substances or possess the characteristics enumerated above in this section which, in the judgment of the Public Works Official, may have deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitutes a public nuisance, the manager may:

- (a) Reject the wastes in whole or part for any reason deemed appropriate by the Township;
- (b) Require pre-treatment of such wastes to within the limits of normal sewage as defined; and/or,
- (c) Require payments of a surcharge on any excessive flows or loading discharged to the system to cover the additional costs of having capacity for and treating such wastes.

(Comp. Ords. 1986, § 25.057(f))

Sec. 17-097. Special agreements

Special agreements and arrangements between the Township and any person may be established by the Township Board within the terms and intent of this article when, in the opinion of the Township Board, extraordinary circumstances compel special terms and conditions whereby an unusual wastewater may be accepted for treatment, subject to payment of applicable fees.

(Comp. Ords. 1986, § 25.057(g))

Secs. 17-098--17-115. Reserved.

Division 3. Private Disposal

Sec. 17-116. Prohibited acts

- (a) Without prior consent of the Township Board, it shall be unlawful for any person to place, deposit or permit to be deposited in any structure or upon any public or private premises within the Township (or any area under its jurisdiction) any sanitary sewage, garbage, industrial waste or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial waste, or other polluted water except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) Except as hereinafter provided, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sanitary sewage or industrial waste.

(Comp. Ords. 1986, § 25.055(1--3))

Sec. 17-117. When use permitted

Where a public sanitary sewer system is not available under the provisions of this article, the building sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the County health department.

(Comp. Ords. 1986, § 25.055(4))

(CHAPTER 17, ARTICLE III, DIVISION 3 cont.)

Sec. 17-118. Discontinuance, connection to public system

At such time as the public sanitary sewer system becomes available to premises served by a private sanitary sewage disposal system, connection to the public system shall be made in compliance with this article, and any septic tank, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued for sanitary sewage disposal use.

(Comp. Ords. 1986, § 25.055(5))

Sec. 17-119. Maintenance

All private sanitary sewage disposal systems maintained in compliance with this article shall be maintained in a sanitary manner at all times at the sole expense of the owner thereof.

(Comp. Ords. 1986, § 25.055(6))

Sec. 17-120. Permits restricted

Permits for the construction, remodeling or improvement of any structure situated upon a parcel of land or platted lot which premises or structure thereon is required to be connected to the sanitary sewer system shall not be issued unless such premises or structure shall first be connected to the sewer lateral.

(Ord. of 1-22-1990, § 25.055(7))

Cross references: Business regulations and Licensing, Ch. 10.

Secs. 17-121--17-135. Reserved

Division 4. Laterals Generally

Sec. 17-136. Extensions of, changes in

Extension of, or changes in, sanitary sewer laterals may be initiated by the Township Board, or by petition from the property owners. Petitions for the construction of new sanitary sewer laterals shall be addressed to the Township Board upon blank forms provided for that purpose. The Township Board may refuse to grant, or may grant the same, and may prescribe the conditions upon which the petition will be granted, and may require the written acceptance of such terms and conditions by the petitioners. If the petition be granted, the Township shall proceed promptly as practical with the proposed work under the terms and conditions named. The work shall be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this article.

(Comp. Ords. 1986, § 25.081)

Sec. 17-137. Plans of proposed extensions

Any persons who propose installing sanitary sewer laterals shall first submit complete plans and specifications for such work, prepared by a registered civil engineer, to the Public Works Official for approval, upon receipt of which the Township Board shall determine the conditions for such installation.

(Comp. Ords. 1986, § 25.082; Ord. of 6-24-1991)

Sec. 17-138. Control generally

The sanitary sewer laterals of the sewer system are under the exclusive control of the Township Board, and all persons other than agents or employees of the Board are forbidden to disturb, tap, change, obstruct access to or interfere with them in any way.

(Comp. Ords. 1986, § 25.083)

Secs. 17-139--17-155. Reserved

(CHAPTER 17, ARTICLE III cont.)

Division 5. Rates And Charges

Sec. 17-156. Capital charges--Existing structures

- (a) Owners of existing structures or premises within the area served by the laterals from which sanitary sewage originates on May 12, 1980 and which premises are hereafter connected to the system and owners of existing structures on premises presently being provided with sewage service by existing independent sewage treatment plans shall pay a capital charge for connection to the system.
- (b) The owner may pay the capital charge in full upon application for the permit or, the owner may elect to defer the payment over a period of thirty (30) years. The initial payment, and annual payments thereafter, including interest at six and five-tenths (0.065) percent on the unpaid balance, compounded annually, shall be paid in accordance with the applicable annual payment as established by the resolution of the Township Board.
- (c) Any owner electing the deferred method payment plan may, no more than once a year, pre-pay additional annual principal payments in numerical order, with interest on the amount of such prepayment from the last payment date, as indicated on the applicable per unit payment schedule. The complete principal balance may be paid at any time with accumulated monthly interest from the last annual payment date.

(Comp. Ords. 1986, § 25.060; Ord. of 12-11-1995)

Sec. 17-157. Same--New structures

Owners of premises within the area served by the laterals upon which structures are constructed, from which sanitary sewage or industrial waste shall originate and which premises are to be connected to the system, shall pay a capital charge for connection to the system to be paid in full at the time of application, or issuance of, a permit. Capital charge fees shall be in any amount to be established periodically by resolution of the Township Board.

(Comp. Ords. 1986, § 25.061; Ord. of 12-11-1995)

Sec. 17-158. Lateral benefit fee--Existing structures

- (a) Owners of premises on which are existing structures within the area served by the laterals from which sewage originates on May 12, 1980 and for which premises there is an available public sanitary sewer system as part of the new construction financed by the Township shall pay a lateral benefit fee for connecting to the system.
- (b) The lateral benefit fee for the connection shall be an amount as established in accordance with Section 17-001.
- (c) The owner may pay the lateral benefit fee in full upon application for the permit or, the owner may elect to defer the payment over a period of thirty (30) years. The initial payment, and annual payments thereafter, including interest at six and five-tenths (0.065) percent on the unpaid balance, compounded annually, shall be paid in accordance with the applicable annual payment, as established by the resolution of the Township Board.
- (d) Any owner electing the deferred payment plan may, no more than once a year, pre-pay additional annual principal payments in numerical order, with interest on the amount of such prepayment from the last payment date, as indicated on the applicable per unit payment schedule. The complete principal balance may be paid at any time with accumulated monthly interest from the last annual payment date.

(Comp. Ords. 1986, § 25.062; Ord. of 12-11-1995)

(CHAPTER 17, ARTICLE III, DIVISION 5 cont.)

Sec. 17-159. Same--New structures

- (a) Owners of premises within the area served by the laterals upon which structures in which sanitary sewage or industrial waste will originate are hereafter constructed and for which premises there is an available public sanitary sewer system as part of the new construction financed by the Township, shall pay a lateral benefit fee to be paid in full at the time of application for, or issuance of a permit. Capital charge fees shall be in any amount to be established periodically by resolution of the Township Board.
- (b) The total fees required by this section and Section 17-157 shall be paid prior to the issuance of any certificate of occupancy for structures on such premises.
- (c) The lateral benefit fees shall be in an amount as established in accordance with Section 17-001.

(Comp. Ords. 1986, § 25.063; Ord. of 12-11-1995)

Sec. 17-160. Sewer line unavailable on private property; owner to assume cost maintenance

- (a) If an owner desires to construct a structure on premises that abut a sanitary sewer lateral but there is not a sanitary sewer lead available to the property line, then it shall be the responsibility of the owner, his agent, or his contractor to install the sanitary sewer service from the lateral to the property line and to the structure. All costs shall be borne by the owner, and no credit will be allowed toward the lateral benefit fee. It shall also be the responsibility of the owner, his agent, or his contractor to obtain all necessary permits and inspections for the work performed within the street right-of-way or easement.
- (b) The property owner shall be responsible for the maintenance and repair of their building sewer line from the structure in which the sanitary sewage originates to the lateral sewer line within the public sanitary sewer system. In the event that the property owner fails or refuses to timely repair any condition which may result in contamination of the system or a sewage leak, the Township shall have the power and authority to enter upon the property, after ten (10) days' written notice to the property owner, and make the necessary repairs. The cost thereof shall be billed to property owner, and if not paid, collected in the same manner as delinquent water and sewer charges under this division.

(Comp. Ords. 1986, § 25.065)

Sec. 17-161. Debt service agreement and lien

An owner of premises shall not be permitted to elect to pay any charges required under the provision of Sections 17-156 and 17-158 over any extended period of annual payments unless such owner executes a debt service agreement and lien in a form to be provided by the Township, which form shall be recorded with the County Register of Deeds office. The Township authorizes and directs that the Public Works Official execute the above cited debt service agreement and lien for and on behalf of the Township.

(Comp. Ords. 1986, § 25.066)

Sec. 17-162. Annual installments; When payable

All annual installments to be paid under the provisions of Section 17-174 shall be due and payable as of the first of the month one (1) year following the date of issuance of the connection permit. A penalty of one (1) percent per month for late payment shall be added beginning one (1) month from due date of any installment.

(Comp. Ords. 1986, § 25.067)

(CHAPTER 17, ARTICLE III, DIVISION 5 cont.)

Sec. 17-163. Usage units generated

The number of units generated by different types of use and occupancy shall be determined and established by separate resolution enacted by the Board and may, from time to time, thereafter be amended by the Board; provided, however, that such resolution shall not be contrary to the obligation and limitation set forth in any contractual agreement between the Township and the County pertaining to the laterals, or contrary to the contract between the Township and the County pertaining to the Clinton-Oakland Sewage Disposal System.

(Comp. Ords. 1986, § 25.068)

Sec. 17-164. Usage units assigned

The number of units to be assigned to any particular premises used for other than single-family residential purposes shall be determined by the Board or its designee, and its decision shall be final. The Board or its designee, if the circumstances warrant, may assign more than one (1) unit to a single-family use. No less than one (1) unit shall be assigned to each premises and for purposes of computing the capital charge and lateral benefit fee herein set forth, assignment of units in addition to one (1) shall be to the nearest one-tenth of a unit. After premises have been connected to the lateral, subsequent changes in the character of the use or type of occupancy of such premises (including destruction, removal or abandonment of any and all structures thereon) shall not abate the obligation to continue the payment of the capital charge or the lateral benefit fee, as set forth herein, charged to such structures in the amount and for the period hereinbefore provided. If such subsequent changes in the character of the use or type of occupancy increase the amount of sanitary sewage originating from the structures, the Board may, in its discretion, increase the number of units assigned to such structure and thereupon any additional capital charge occasioned by such increase in units or fractional parts thereof shall be payable in cash at the time that construction or other permit is issued or required.

(Comp. Ords. 1986, § 25.069; Ord. of 6-24-1991)

Sec. 17-165. Notice of increase of capital charge; contents

In the event of a preliminary determination by the Public Works Official that an increase in the capital charge for any given premises is required due to an increased use capacity, the Public Works Official shall prepare and forward by certified mail to the owner or responsible party, a notice of the increased assessment for the connected capital charge to the public sanitary sewer system. The notice shall contain the following:

- (a) The present unit factor assignment based on existing or previous usage.
- (b) A statement setting forth the nature of the increased use capacity necessitating an additional capital charge.
- (c) A statement of the proposed increased unit factor assignment for the premises based upon the increased use capacity.
- (d) The date upon which the increased unit factor assignment shall become effective and the cost thereof. This date shall be at least thirty (30) days from the date of mailing.
- (e) Notice to the owner or responsible party that if the amounts due are delinquent for more than six (6) months the amount shall be added to the tax rolls and collected pursuant to the general property tax laws.
- (f) Notice to the owner or responsible party that the party has thirty (30) days following the date of the notice to review this preliminary determination with the Public Works Official, and further notice that the party has forty (40) days after date of the written notice of the preliminary determination to file with the Township Clerk a request for review and appeal of determination to the Township Board.

(Comp. Ords. 1986, § 25.069)

Sec. 17-166. Administrative hearing

The Public Works Official shall provide an opportunity for the owner or responsible party to be heard on objections to the determination within thirty (30) days of the date of the notice. After review with the owner or responsible party, the Public Works Official shall forthwith provide a

(CHAPTER 17, ARTICLE III, DIVISION 5, SECTION 17-166 cont.)

written notice of the preliminary determination of increase to the owner and to the Township Board. The owner, if aggrieved by such determination, shall have an additional ten (10) days thereafter to file with the Township Clerk a written request for review and appeal to the Township Board. If no appeal is filed within the time allowed, the preliminary determination shall become final.

(Comp. Ords. 1986, § 25.069)

Sec. 17-167. Township Board appeal

From the time of filing of an appeal with the Township Clerk, the Township Board shall thereafter review the preliminary determination of the Public Works Official and shall have the authority to modify in whole or in part the determination made by the Public Works Official. The decision of the Township Board shall be final and shall be furnished to the Public Works Official in writing by the Township Clerk.

(Comp. Ords. 1986, § 25.069)

Sec. 17-168. Delinquent charges

All delinquent charges for additional capital charges as established herein shall be made a lien on the premises and on September first of each year, the person or persons charged with the management of the sewage disposal system shall certify any such charges which have been delinquent six (6) months or more to the Township Supervisor who shall enter the same upon the next tax roll against the premises for which such services have been furnished, and such charges shall be collected and such lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Comp. Ords. 1986, § 25.069)

Sec. 17-169. Sewer service charge

Charges for sewage disposal services to each premises in the area served by the sewage disposal laterals shall be as follows:

- (a) *Premises with metered water supply:* Applied first is a fixed charge, also called a ready-to-serve charge, and a usage charge based upon all water consumption calculated upon a one hundred (100) cubic foot basis, to be established and adjusted from time to time by resolution of the Township Board. These charges shall be quarterly or other invoicing periods.
- (b) *Premises with structures with non-metered water supply - commercial and residential.* Quarterly, or other invoicing periods, sewage disposal service charge shall be a ready to serve charge based upon the number of residential equivalent units (REU) assigned to the respective premises. The service charge(s) shall be established and adjusted from time to time by resolution of the Township Board.
- (c) *Definition:* For purpose of subsection (1) above, a metered water supply is defined as one (1) meter measuring water consumption in a single-family residence or in a single apartment, unit or part of a multiple-dwelling from which sewage originates, and one (1) meter for each and every business entity of any kind or description occupying commercial structures or any portion thereof from which structures sewage originates.
- (d) *Other charges:* All other charges are to be established and adjusted by the Township Board, in a like manner.
- (e) *Charges subject to contracts for Clinton-Oakland System:* The Township Board's power to establish and adjust the rates and charges herein is within the sound discretion of the Board, provided, however, that the charges shall not be altered in such a manner as shall be contrary to the obligations and limitations set forth in any contractual agreement between the Township and the county pertaining to the laterals, or contrary to the obligations and limitations of the contract between the Township and the county pertaining to the Clinton-Oakland Sewage Disposal System. The charges shall be audited biennially to ensure continued proportionality.

(Comp. Ords. 1986, § 25.070; Ord. of 6-24-1991; Ord. of 3-26-2007)

Sec. 17-170. Charges for sewage disposal services; When billed and payable

- (a) Rates and charges for sewage disposal services shall be billed and collected quarterly, or more often as determined by the Township Board. Failure to receive a bill shall not excuse

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(CHAPTER 17, ARTICLE III, DIVISION 5, SECTION 17-170 cont.)

failure to pay the billing when due. Bills shall be due and payable, without discount, at such time as the Township Board shall determine, but not more than thirty (30) days after specified date, which date shall be indicated on the face of each bill. If the bill is not paid when due, a penalty of five (5) percent shall be added thereto.

- (b) Free sewage disposal facilities or services shall not be furnished to the Township, any person or to any government agency.

(Comp. Ords. 1986, § 25.071)

Sec. 17-171. Additional burden; surcharges

- (a) The rates and charges set forth herein notwithstanding, if the character of the sewage of any user shall impose an unreasonable additional burden upon the sewage disposal and transmission system of the Township, an additional charge shall be made over and above the rates herein established. Effluent in excess of the maximum limitations imposed by this division shall be deemed prima facie subject to surcharge. If necessary to protect the system or any part thereof, the Township shall deny the right of any user to empty such sewage into the system. Surcharges required by this section shall be computed as the prorated share of the annual cost of operation and maintenance, including replacement, attributable to treating the substance multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each periodic billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs (OM&R).

- (b) The current sewage surcharges are as set out in the following table:

	Price per Pound			
	Total	OM&R	Local Cost	Capital
BOD (for each lb. in excess of 200 mg/l)	\$0.103	0.099	.004	
TSS (for each lb. in excess of 250 mg/l)	0.104	0.102	.002	
P (for each lb. in excess of 10 mg/l)	1.193	1.167	.026	

(Comp. Ords. 1986, § 25.072)

Sec. 17-172. Delinquent charges, usage or other cost due, lien, tax rolls assessed; exceptions where lessee provides deposit

- (a) All delinquent charges for lateral benefit fee, front footage fee, capital charge, charges for sewage disposal service, cost reimbursement and penalties shall be a lien on the premises served, as set forth herein. On August 15 of each year, any such charges which have been delinquent ninety (90) days or more shall be transferred to the next tax roll against the premises served, plus a surcharge of ten (10) percent to cover certain administrative expenses of the Township. Such charges shall be collected and such lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll under the general property tax law.
- (b) In the case where a lease has been legally executed for property served by Township water or sanitary sewer, the property owner shall not be subject to the lien provisions above where the lessee and the property owner comply with requirement of this section, and MCL 123.165. All of the following must be completed to exempt the property owner from the lien provision:
 - (1) An affidavit filed with the department of public works by the property owner that a lease has been legally executed which provides that the lessor shall not be liable and that the lessee shall

(CHAPTER 17, ARTICLE III, DIVISION 5, SECTION 17-172 cont.)

be liable for payment to the Township for water and sewage charges accruing subsequent to the filing of the affidavit. A copy of the lease shall be attached to the affidavit, with the expiration date thereon.

- (2) The lessee shall provide a deposit in an amount equal to two (2) times the average quarterly water and sewer invoice before the department shall be required to provide or continue services. The deposit shall be held for and applied to any delinquent charges, as stated above.
- (3) Twenty (20) days written notice shall be given to the Department of Public Works by the lessor of any cancellation, change in, or termination of the lease.

In the event of a failure to comply with any of the above requirements or the termination of the lessee's responsibility to pay the water and sewer expenses the lessor's property shall be thereafter subject to the lien provisions of this section, and the property owner shall be liable for all such water and sewer expenses which were incurred thereafter.

(Comp. Ords. 1986, § 25.074; Ord. of 9-12-2005; Ord. of 11-26-2007)

Secs. 17-173--17-190. Reserved

Division 6. Sewer Connection Hardship Provisions

Sec. 17-191. Short title

This division shall be known and cited as the "Charter Township of Waterford Sewer Connection Hardship Ordinance."

(Comp. Ords. 1986, § 25.301)

Sec. 17-192. Purpose

The purpose of this division is declared:

- (a) To enact an ordinance under Public Act 368 of 1978, Public Health Code (MCL 333.12756 et seq.) allowing deferment of sewer tap-in expense in cases where hardship prevents the owners of premises to connect to the available sewer.
- (b) To establish a H.A.R.B. (hardship advisory review board) to review and recommend property owners to be considered under this division.
- (c) To establish procedures for connection of premises to the sewage system by the Township.
- (d) To require the eventual connection of all premises to the sewage system.
- (e) To establish enforcement powers and penalties for violations.

(Comp. Ords. 1986, § 25.302)

Sec. 17-193. Definitions

In addition to those rules of construction and definitions contained in Sections 1-002, the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section:

Premises means and includes any zoning lot from which sanitary sewage originates, for which sewage services are available and required by law to be serving such zoning lot.

Private plumbing expense means the estimated costs of the installation of all necessary sewage disposal facilities on the property of the applicant for hardship.

Property owner means and includes any person having a legal or possessory interest in a premises or zoning lot, which interest includes the legal obligation to assume the expenses of sewer connection charges.

Sewage system or services means any municipality operated sewage collection facility, serving premises within the Township.

(Comp. Ords. 1986, §§ 25.304--25.308)

Sec. 17-194. Hardship advisory board--Membership; terms; compensation

- (a) A three-member hardship advisory review board shall be created by the Township Board, with the Public Works Official or that Official's designee as the chairman, one (1) member of

(CHAPTER 17, ARTICLE III, DIVISION 6, SECTION 17-194 cont.)

the Township Board and one (1) resident of the Township qualified to determine economic hardship.

- (b) The term of the Township board member shall correspond to their current term on the Township Board and the term of the resident member shall be three (3) years, unless removed for good cause shown, with compensation at a per diem rate as established by resolution of the Township Board.

(Comp. Ords. 1986, § 25.309)

Sec. 17-195. Same--Duties, powers and meetings

- (a) The hardship advisory review board shall periodically examine those premises which have not made connection to an available public sanitary sewer system as required by this Article based on a claim of hardship by a property owner, and shall render their recommendation to the Township Board on that claim.
- (b) Meetings, not to exceed two (2) per month, shall be designated by the chairman, who shall prescribe all procedural rules.

(Comp. Ords. 1986, § 25.310)

Sec. 17-196. Guidelines

In determining whether hardship exists with respect to a property owner who is unable to make the connection, the following criteria shall be applied by the hardship advisory review board:

- (a) Annual income by property owner.
- (b) Net worth of property owner.
- (c) Current financial obligations of fixed nature of property owner.
- (d) Land use.
- (e) Land value.
- (f) Availability of public welfare funds.
- (g) Sewer connection expense to property owner.
- (h) Special and unique circumstances.

(Comp. Ords. 1986, § 25.311)

Sec. 17-197. Determination; Connection

- (a) Following a recommendation by the hardship advisory review board to the Township Board on any premises not connected to an available sewage system, the Township Board shall take effective action to achieve connection of said premises to the sewage system, whether the connection is made under the provisions of this article or otherwise. The hardship advisory review board shall within thirty (30) days of the close of its investigation file with the Township Board its report and recommendation clearly stating whether any proposed deferment includes private plumbing expenses as well as capital charges and lateral benefit fees.
- (b) Upon receipt of the hardship advisory review board recommendation regarding any premises, the Township Board shall promptly determine, without the necessity of a public hearing or public meeting, whether to accept the recommendation. No recommendation of hardship for any premises shall be rejected without good cause shown and until the property owner has had an opportunity to answer the objections before the Township Board. A recommendation of hardship not rejected by the Township Board within thirty (30) calendar days of receipt thereof shall be deemed accepted and shall entitle the owner thereof to be qualified for connection under the provisions of this division.

(Comp. Ords. 1986, § 25.312)

Sec. 17-198. Deferred payment; Lien; Costs

- (a) In the event an owner accepted for hardship herein requests the Township to effectuate connection to the sewage system, the Township Supervisor shall direct the Public Works

(CHAPTER 17, ARTICLE III, DIVISION 6, SECTION 17-198 cont.)

- Official to ascertain the cost to connect the premises to the system, and/or the reasonable value of its labor and materials. The Township Board shall specify to the Public Works Official whether the physical connection is to be accomplished by a licensed sewer contractor or by the agencies and employees of the Township. The Township Board reserves to itself the sole and exclusive right to make or alter its designation as made herein previous to the commencement of the physical connection. Previous to the connection, the owner shall execute a promissory note, and lien or mortgage to the Township for deferred payment payable on or before death, or in any event, on the sale or transfer of the property.
- (b) In cases where the Township Board directs the agencies and employees of the Township to accomplish the physical connection to a premises, the Public Works Official shall submit to the Township Board for approval a documented opinion of the market value of private plumbing expenses of that premises. In cases where the Township Board directs the Public Works Official to engage the services of a licensed sewer contractor, the Public Works Official shall engage such services in accordance with the Township Procurement Policy as adopted by resolution of the Township Board.
 - (c) The private plumbing expenses, as determined by the Township Board, in addition to capital charges and lateral benefit fees, may be included within the amount of the note, mortgage and/or lien which shall also include annual interest on the balance of such indebtedness to the Township at the rate of six and five-tenths (6.5) percent per year, commencing the date of the documents of indebtedness.
 - (d) The property owner shall also be responsible for all costs of the Township in connection with processing the property owner's application for deferred payments, such as, by way of illustration, and not by way of limitation, costs of recording the mortgage, costs of title insurance insuring the mortgage interest of the Township, and any direct legal fees in connection with reviewing of the foregoing and preparation of the mortgage to be recorded. Such costs shall be added to the amount due and owing upon the note and mortgage to be executed by the owner of the premises.

(Comp. Ords. 1986, § 25.313)

Sec. 17-199. Physical connection

Upon execution of the documents in accordance with the provisions of Section 17-198, the Township Board shall direct the Public Works Official to complete the physical connection of the premises, in the method approved by the Township Board, to the sewage system in accordance with all laws, ordinances, rules and regulations of the State, County and Township.

(Comp. Ords. 1986, § 25.314)

Sec. 17-200. Hardship revolving fund; Board control

The monies necessary to implement the provisions of this division shall be drawn from and returned to the "hardship revolving fund" to be created and maintained by the Township Board. The improvement and reserve fund, as established in Section 18.3 of Ordinance No. 79, shall be the sole source of Township monies deposited to the "hardship revolving fund." The Township Board shall transfer funds between the improvement and reserve fund and the hardship revolving fund as necessary to properly implement the provisions of this division.

(Comp. Ords. 1986, § 25.315)

Sec. 17-201. Nuisance

Any premises, which has not made connection to the sewer system at the close of an eighteen-month period following availability is declared a public nuisance per se, and shall be abated forthwith.

(Comp. Ords. 1986, § 25.316)

(CHAPTER 17, ARTICLE III, DIVISION 6 cont.)

Sec. 17-202. Additional power

This article is in addition to and not in limitation of the power of the Township to adopt, amend and enforce laws and ordinances relating to the connection of a structure in which sanitary sewage originates to the sewage system.

(Comp. Ords. 1986, § 25.317)

Secs. 17-203--17-220. Reserved

ARTICLE IV WASTEWATER DISPOSAL STANDARDS AND REGULATIONS*

Division 1. Generally*

**Editor's note: An ordinance of December 9, 2002, amended the Code by repealing former div. 1, §§ 17-221--17-225, and adding a new div. 1. Former div. 4 pertained to similar subject matter, and derived from Ord. No. 153, §§ 1--4 and 11, adopted January 22, 1990.*

Sec. 17-221. Purpose

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

(Ord. of 12-9-2002)

(CHAPTER 17, ARTICLE IV, DIVISION 1, SECTION 17-221 cont.)

Sec. 17-222. Authorit

By virtue of the obligations and authority placed upon the Township by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. 1251 et seq.; the 1963 Constitution of the State of Michigan; Part 31 of Public Act 451 of 1994, the Natural Resources and Environmental Protection Act, as amended, being MCL 324.3101 et seq.; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the consent judgment in U.S. EPA v. City of Detroit et al, Federal District Court for the Eastern District of Michigan Case No. 77-1100, as amended; and existing or future contracts between the Water Board and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this division shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

(Ord. of 12-9-2002)

Sec. 17-223. Definitions

In addition to those rules of construction and definitions contained in Sections 1-002, when used in this article, the following terms shall have the meanings described in this section unless the context specifically indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

As-built plans means engineering drawings prepared after installations of wastewater facilities which shall show a statement by a registered engineer or surveyor certifying this to be "as-built plans" and shall include, but not be limited to, length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, sewer material and joints used, and mechanical, electrical and structural details for pump stations, wastewater treatment facilities and other appurtenances.

Authorized representative of industrial user means:

- (1) Responsible corporate officer, where the industrial user submitting the reports required by this article is a corporation, who is either:
 - (i) The president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or
- (2) A general partner or proprietor where the industrial user submitting the reports required by this article is a partnership or sole proprietorship respectively.

Available cyanide means the quantity of cyanide that consists of cyanide ion (CN); hydrogen cyanide in water (HCNaq); and the cyano-complexes of zinc, copper, cadmium, mercury, nickel and silver, determined by EPA method OIA-1677, or other method designated as a standard method or approved under 40 CFR 136.

Best management practices (BMP) means programs, practices or other directed efforts initiated and implemented by a user, which can or does lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

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(CHAPTER 17, ARTICLE IV, DIVISION 1, SECTION 17-223 cont.)

Biochemical oxygen demand (BOD) means the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)) as measured by standard methods.

Building drain means that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the builder's sewer (house sewer). The latter begins five (5) feet outside the inner fact of the building wall.

Building sewer means 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 (1) building.

Bypass means the intentional diversion of a wastestream from any portion of an industrial user's treatment facility (see 40 C.F.R. 403.17.)

Categorical standards means the National Categorical Pre-treatment Standards or a pre-treatment standard as promulgated under authority of the Act, 40 CFR 403.

Centralized waste treatment (CWT) facility means any facility that treats any hazardous or non-hazardous industrial waste received from off-site by tanker truck, trailer / roll-off bins, drums, barges, or any other forms of shipment including:

- (1) A facility that treats industrial waste received exclusively from off-site, and
- (2) A facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

Chemical oxygen demand (COD) means a measure of the oxygen-consuming capacity 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 means 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 means a sewer receiving both surface run-off and sewage.

Compatible industrial wastewater means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

Compatible pollutant means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

Composite sample means a collections of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four (4) aliquot per twenty-four (24) hours shall be used where the sample is manually collected (see 40 C.F.R. 403, Appendix E).

Confidential information means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

Control authority means the Detroit Water and Sewerage Department which has been officially designated as such by the State under the provisions of 40 C.F.R. 403.12 (see 40 C.F.R. 403.12(a)).

Control manhole means a suitable manhole, together with such 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.

Cooling water means the noncontact water discharge from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

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(CHAPTER 17, ARTICLE IV, DIVISION 1, SECTION 17-223 cont.)

- County** means the County of Oakland, State of Michigan, or its authorized representative, the Detroit Water and Sewerage Department.
- County agency** means the County Water Resources Official or the County department responsible for public works.
- Critical materials** means the organic and inorganic substances, elements or compounds listed in the register compiled by the S.E.A.
- Days** means, for purposes of computing a period of time prescribed or allowed by this article, consecutive calendar days.
- Debt service charge** means charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge is separate and distinct and may be in addition to the "user charge" specified below.
- Department** means the City of Detroit Water and Sewerage Department, and authorized employees of the department.
- Direct discharge** means the discharge of treated or untreated wastewater directly to the waters of the State.
- Director** means the director of the Detroit Department of Water and Sewerage, or the director's designee.
- Discharger** means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.
- Domestic sewage** means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.
- Environmental Protection Agency or administrator or EPA administrator** means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.
- Facility** means a location which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.
- Fats, oils or grease (FOG)** means 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.
- Flow proportional sample** means a composite sample taken with regard to the flow rate of the wastestream.
- Footing drain** means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.
- Garbage** shall be as defined in the Waterford Code of Ordinances, Waste Materials Control.
- General specifications** means the current edition of standard material and construction requirements of the County.
- Grab sample** means an individual sample collected over a period of time not exceeding fifteen (15) minutes, which reasonably reflects the characteristics of the stream at the time of sampling.
- Holding tank waste** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- Incompatible pollutant** means any pollutant which is not a compatible pollutant.
- Indirect discharge or discharge** means the discharge or the introduction of pollutants into the POTW from any nondomestic source regulated under 33 U.S.C. 1317 (b), (c) or (d).
- Industrial user** means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

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Industrial waste means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

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

Infiltration/inflow means the total quantity of water from both infiltration and inflow.

Inflow means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.

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

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Laboratory determination means 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 such measurement, test, or analysis of "Standard Methods for Examination of Water and Wastewater," a joint publication of the American Public Health Association, the American Water Works 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 means 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 means a prefix denoting jurisdiction by the Township.

Manager means the Township Supervisor, or his authorized representatives or agents.

Municipality means the Township.

National categorical pre-treatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. 1317 (b) and (c) which applies to a specific class or category of industrial users.

National Pollutant Discharge Elimination System (NPDES) permit means a permit issued pursuant to 33 U.S.C. 1342.

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

New source means:

- (1) Any building, structure, facility or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed pre-treatment standards under 33 U.S.C. 1317 (c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that:
 - (i) The building, structure, facility or installation is constructed at a site where no other source is located; or

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- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or

- (2) Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)b. or (1)c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or
- (3) Construction of a new source has commenced where the owner or operator has:
 - (i) Begun, or caused to begin as part of a continuous on site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (ii) Entering into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts of feasible, engineering, and design studies do not constitute a contractual obligation under this section.

Normal domestic strength sewage or normal domestic strength wastewater means a sewage or other wastewater effluent which shall be a compatible pollutant with BOD of two hundred seventy-five (275) milligrams per liter or less, suspended solids of three hundred fifty (350) milligrams per liter or less, total phosphorus of twelve (12) milligrams per liter or less, and fats, oil and greases of one hundred (100) milligrams per liter or less.

Obstruction means 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) means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and includes the cost of replacement.

Owner means the owners of record of the freehold of the premises or lesser estate therein, a mortgager or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person in control of a building.

Pass through means discharge which exists the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the NPDES permit including an increase in the magnitude or duration of a violation.

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

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked

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or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

Pollution means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

Pre-treatment means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, state or local law, rules and regulations.

Pre-treatment requirements means any substantive or procedural requirements related to pre-treatment, other than a national pre-treatment standard imposed on an industrial user (see 40 C.F.R. 403.3(r)).

Pre-treatment standards means all National Categorical Pre-treatment Standards, the general prohibitions specified in 40 C.F.R. 403.5(a), the specific prohibitions delineated in 40 C.F.R. 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. 403.5(c), including the discharge prohibitions specified in this article.

Private means a prefix denoting jurisdiction by a non-governmental entity.

Properly shredded garbage means the waste from the preparation, cooking and dispensing of foods that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public means a prefix denoting jurisdiction by any governmental subdivision or agency.

Public sewer means a common sewer controlled by a governmental agency or public utility.

Publicly owned treatment works (POTW) means a treatment works as defined by 33 U.S.C. 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. 1362, including:

- (1) Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;
- (2) Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or
- (3) The municipality, as defined in 33 U.S.C. 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

POTW treatment plant means that portion of the POTW designated to provide treatment to wastewater, including recycling and reclamation of wastewater.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Representative sample means any sample of wastewater that accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the wastestream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

Replacement means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state and federal regulations.

Sanitary sewer means a sewer which carries sewage and into which stormwater, surface water and groundwater is not intentionally admitted.

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Sanitary wastewater means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

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

Service area means any area whose wastewater is received by the Township or the County for the transmission for treatment by the City of Detroit DWSD.

Sewer means a pipe or conduit that carries wastewater or drainage water. See the following definitions modifying "sewer":

- (1) Building sewer, in plumbing, means the extension from the building drain to the public sewer or other place of disposal. Also called "house connection."
- (2) Combined sewer means a sewer intending to receive both wastewater and stormwater or surface water or drainage water.
- (3) Common sewer means a sewer in which all owners of abutting properties have equal rights.
- (4) County sewer means a public sewer controlled by the county agency.
- (5) Intercepting sewer means a sewer that received dry weather flow from a number of transverse sewers or outlets in frequently additional predetermined quantities of stormwater (if from a combined system) and conducts such waters to a point for treatment or disposal.
- (6) Lateral sewer means a sewer which is designed to receive a building sewer.
- (7) Municipal sewer means a public sewer exclusive of a county sewer or City of Detroit sewer.
- (8) Public sewer means a common sewer controlled by a governmental agency or public utility.
- (9) Sanitary sewer means a sewer that carries liquid and water carried waste from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water and drainage water which are not admitted intentionally.
- (10) Storm sewer means a sewer that carries stormwater and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastewater. Also called a "storm drain".
- (11) Trunk sewer or trunk line means a sewer which connects the lateral sewer to the intercepting sewer and to which building sewers may be connected.

Sewer service charge means the sum of the applicable user charge, surcharges and debt service charges.

Significant non-compliance means any violation which meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pre-treatment effluent limit (daily maximum or longer term average) that the department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has cause imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;
- (5) Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety (90) days after the scheduled date;
- (6) Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days after the due date;

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- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which the department determines will adversely affect the operation or implementation of the local pre-treatment program.

Significant industrial users means any user of the POTW who:

- (1) Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or
- (2) Has discharges subject to the national categorical pre-treatment standards; or
- (3) Requires pre-treatment to comply with the specific pollutant limitations of this division; or
- (4) Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. 1317, or other applicable federal and state laws or regulations, that are in concentrations and volumes which are subject to regulation under this division as determined by the department; or
- (5) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or
- (6) Is found by the City of Detroit or the Township to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

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

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of the Management and Budget, 1987, as amended.

Standard methods means methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollutant Control Federation, or methods set forth in 40 C.F.R. 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants." Where these two (2) references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

Surcharge means an additional charge which may be imposed to cover the cost of treatment of excess strength wastewater discharged by any customer.

Surface water means, in addition to the definition in Section 1-002, 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.

Suspended solids means 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 means the equivalent to the total amount of potable water used by a municipality as recorded by a master water meter for sewered premises, and shall include, but not limited to, fire protection water, gardening and lawn water.

Total PCB means the sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.

Total phenolic compounds means the sum of the individual analytical results for each of the phenolic compounds of 2-chlorophenol, 4-chlorophenol, 4-chloro-3-methylphenol, 2,4-dichlorophenol, 2,4-dinitrophenol, 4-methylphenol, 4-nitrophenol, and phenol during any single sampling event expressed in mg/l.

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Toxic pollutant means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. 1317, or included in the Critical Materials Register promulgated by the S.E.A., or by other federal or state laws, rules or regulations.

Trade secret means the whole, or any portion or phase, of any propriety manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products of their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

Uncontaminated industrial waste or unpolluted industrial process water means 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 application stream standards, excepting thermal limitations.

Upset means an exceptional incident in which there is unintentional and temporary non-compliance with limits imposed under this article or with national categorical pre-treatment standards due to factors beyond the reasonable control of the industrial user but excludes non-compliance to the extent caused by operational error, improperly designated treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

User means any person who, directly or indirectly, contributes, causes or permits the discharge or wastewater into the POTW as defined herein.

User charge means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works, and includes the cost of replacement.

Wastewater or wastestream means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, storm water, and cooling water.

Wastewater discharge permits means permits issued by the department in accordance with division 4 of this article.

Wastewater facilities means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial waste, and dispose of the effluent.

Water Board means the Board of Water Commissioners of the City of Detroit.

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

- (1) BMR -- Baseline monitoring report
- (2) BOD -- Biochemical Oxygen Demand
- (3) C.F.R. -- Code of Federal Regulations
- (4) EPA -- Environmental Protection Agency
- (5) FOG -- Fats, Oil or Grease
- (6) l - Liter
- (7) mg - Milligrams
- (8) mg/l - Milligrams per liter
- (9) NPDES -- National Pollutant Discharge Elimination System
- (10) POTW -- Publicly Owned Treatment Works
- (11) RCRA -- Resource Conservation and Recovery Act, being 42 U.S.C. 6901 et seq.
- (12) SIC -- Standard Industrial Classification
- (13) SWDA -- Solid Waste Disposal Act, being 42 U.S.C. 6901 et seq.
- (14) TSS -- Total Suspended Solids
- (15) U.S.C. -- United States Code

(CHAPTER 17, ARTICLE IV cont.)

(Ord. of 12-9-2002; Ord. of 3-24-2008)

Secs. 17-224--17-240. Reserved

Division 2. Regulations of Oakland County Sewage Disposal Systems

Sec. 17-241. Systems subject to division

All sanitary sewer systems connected directly or indirectly into the County intercepting sewer or sewers shall meet the requirements set forth in this division.

(Ord. No. 153, § 5(A), 1-22-1990)

Sec. 17-242. Plans, permits and bonds

- (a) Prior to connection and prior to start of land development, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved as established by the Responsible County Department.
- (b) A connection permit shall be obtained by the owner or contractor from the County. Such 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.
 - (1) A fee shall be charged for such permit to cover the cost of inspection of each connection, and to verify the result of the acceptance test. The permit fee shall be as established in Section 17-001 for each new manhole constructed.
 - (2) Inspection requested during other than normal working hours shall be performed only if deemed necessary by the County. The fee for such inspection shall be as established in Section 17-001, 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 article. A connection permit shall be obtained in accordance with the procedures and fee schedule established by the County department issuing the permit before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the Township.
 - (1) Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the County department issuing the permit.
 - (2) The party to whom such a permit is issued shall be responsible for notifying the County department issuing the permit twenty-four (24) hours in advance of the date and time when such a connection is made so that proper inspection of same can be made by such County 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 in accordance with the procedures and fee schedule established by the County department issuing the permit.
- (e) Prior to construction and during the life of permits obtained in accordance with subsections (b), (c) and (d) above, all owners or contractors shall:
 - (1) Yearly furnish to the Responsible County Department a satisfactory surety bond in an amount established by the County as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards.
 - (2) Yearly furnish to the Responsible County Department a cash deposit in an amount established by the County. Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the Responsible County Department arising as a result of construction by the owner or contractor.

Such bonds shall not be cancelled by the owner, the contractor or the surety without first having given ten (10) days' written notice to the Responsible County Department. Cash deposits may be returned to the owner or contractor within ten (10) days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the Responsible County

(CHAPTER 17, ARTICLE IV, DIVISION 2, SECTION 17-242(E)(2) cont.)

Department to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

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

(Ord. No. 153, § 5(B), 1-22-1990)

Sec. 17-243. Bulkhead

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

(Ord. No. 153, § 5(C), 1-22-1990)

Sec. 17-244. Acceptance test

All sanitary sewer systems shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Responsible County Department and prior to removal of the bulkhead as required in Section 17-243. All final acceptance tests shall be witnessed by the Responsible County Department.

- (a) Infiltration test. All sewers over twenty-four-inch diameter shall be subjected to infiltration tests. All sewers of twenty-four-inch diameter or smaller where the ground water level above the top of the sewer is over seven (7) feet shall be subjected to an infiltration test. Maximum allowable infiltration shall not exceed two hundred fifty (250) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for the overall project. Maximum allowable infiltration shall not exceed five hundred (500) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for any individual run between manholes.
- (b) Air test or exfiltration test. All sewers of twenty-four-inch diameter or less, where the ground water level above the top of the sewer is seven (7) feet or less, shall be subjected to air tests or exfiltration tests. For exfiltration tests, the internal water level shall be equal to the external water level plus seven (7) feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration. The procedure for air testing of sewers shall be as follows:
- (1) The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One (1) of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of three and one-half (3 1/2) inches and a range of 0--10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ± 0.04 PSIG.
 - (2) The sewer shall be pressurized to 4.0 PSIG greater than the greatest back pressure caused by groundwater over the top of the sewer pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize between 3.5 and 4.0 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.
 - (3) 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 such other pressure as is necessary to compensate for groundwater level.
 - (4) 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 Air Test Tables adopted by the Responsible County Department.

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(CHAPTER 17, ARTICLE IV, DIVISION 2, SECTION 17-244(b) cont.)

- (5) 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 (3) inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the groundwater elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the groundwater elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum groundwater level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.
- (6) 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.
- (7) All visible leaks and cracks shall be repaired regardless of test results.
(Ord. No. 153, § 5(D), 1-22-1990)

Sec. 17-245. Stormwater and groundwater 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 stormwater and/or groundwater shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided under subsection (b) below.
- (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 such 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 Responsible County Department. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.
(Ord. No. 153, § 5(E), 1-22-1990)

Sec. 17-246. Building sewers

- (a) House connection sewer from lateral sewer in street or easement to within five (5) feet from house shall be:
 - (1) Six-inch diameter extra strength vitrified sewer pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with DPW approved premium joint;
 - (2) Six-inch diameter Class 2400 Asbestos Cement Pipe with Ring-Tite, Fluid-Tite or DPW approved joint;
 - (3) Six-inch diameter, service strength, cast iron soil pipe with hot poured lead joint, or DPW approved equal;
 - (4) Six-inch diameter extra strength (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 Responsible County Department.Copies of the Responsible County Department approved joint shall be on file at the offices of the Public Works Official.
- (b) 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 Section 17-244.
(Ord. No. 153, § 5(F), 1-22-1990)

(CHAPTER 17, ARTICLE IV, DIVISION 2 cont.)

Sec. 17-247. Septic tank abandonment and waste disposal

- (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 Responsible County Department, 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 above.

(Ord. No. 153, § 5(G), 1-22-1990)

Sec. 17-248. Ownership, operations and maintenance responsibility

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

(Ord. No. 153, § 5(H), 1-22-1990)

Sec. 17-249. Manholes

- (a) 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 Responsible County Department.
 - (1) 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.
 - (2) 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.
 - (3) The bolted frame, bolts, adjustment rings and O-ring gaskets shall be in accordance with the standards of the Responsible County Department.
- (b) All manholes shall be provided with "Bolted Waterproof Covers" in accordance with the current "Standard Manhole Detail" of the Responsible County Department.
- (c) 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 Responsible County Department.

(Ord. No. 153, § 5(I), 1-22-1990)

Sec. 17-250. As-built plans

Prior to the acceptance of any sewer system and prior to the removal of the bulkhead as required in Section 17-243 (except under extenuating circumstances as may be approved by the director), as-built plans shall be provided to the Responsible County Department. Such 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. No. 153, § 5(J), 1-22-1990)

Sec. 17-251. Requirements for combined 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 17-242, 17-243, 17-246, 17-247, 17-248, 17-249 and 17-250 are required for sanitary sewer system connecting to interceptor sewers of the County as hereinbefore mentioned.

(CHAPTER 17, ARTICLE IV, DIVISION 2, SECTION 17-251 cont.)

- (b) Prior to acceptance of the system and prior to removal of the bulkhead as required under Section 17-243, all combined sewer systems shall be subjected to an infiltration test in accordance with the infiltration requirements of the Responsible County Department as outlined in Section 17-244. Such test shall be witnessed by the Responsible County Department.
- (c) Downspouts and footing drain tile may be connected to a combined sewer if permitted by the Township.
- (d) No requirements of the Responsible County Department, or permits issued hereunder by such department, shall relieve the property owner of complying with all the rules and regulations of the Township, wherein such property is located, when such rules and regulations are not in conflict with the requirements of the Responsible County Department.
- (e) All sewer construction shall comply with the "General Specifications" of the Responsible County Department. Copies of such specifications may be obtained from such department.
- (f) Construction of new combined sewer systems shall be prohibited except when no prudent or feasible alternative exists.

(Ord. No. 153, § 5(K), 1-22-1990)

Secs. 17-252--17-270. Reserved

Division 3. Regulations Of County Water Resources Official; Sewage Disposal System

Sec. 17-271. Scope of division

This division 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 (SOCSDS).

(Ord. No. 153, § 6(A), 1-22-1990)

Sec. 17-272. Submission of plan

- (a) Each municipality is requested to furnish an up-to-date plan of its sewerage system. Such 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 municipality by the municipal officials or a firm of consulting engineers officially authorized to do so. Generally, this authority will be vested in the Public Works Official, 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 above designated official.
- (c) A letter requesting the approval of plans by the County Water Resources Official's office and the water quality division of the S.E.A. shall be addressed to the County Water Resources Official and be accompanied by a minimum of five (5) sets of plans. Upon approval of the plans, the County Water Resources Official's office will retain one (1) set and forward the remaining sets to the S.E.A. along with a letter requesting their approval. Copies of this letter will be sent to the Public Works Official. The S.E.A., upon their approval of the plans, will return at least three (3) sets of approved plans bearing the construction permit number to the Public Works Official. The Public Works Official will keep two (2) sets and send one (1) set to the County Water Resources Official. In the event that the Public Works Official requires 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, etc.

(CHAPTER 17, ARTICLE IV, DIVISION 3, SECTION 17-272 cont.)

- (2) Detail plan and profile drawings along with criteria of hydraulic design (storm frequency, line capacity, line velocities, tributary areas, etc.).
- (3) Material and construction standards, regular and special.
- (4) Desirable scale and size for plan and profile drawings are:
 - (i) Horizontal scale: 1" = 100', 1" = 50'
 - (ii) Vertical scale: 1" = 10', 1" = 5'
 - (iii) Plan size: 24" × 36"

(Ord. No. 153, § 6(B), 1-22-1990)

Sec. 17-273. Connections in combined sewer areas

- (a) A connection permit must be obtained prior to connection from the County Water Resources Official's office. A legal description of the property to be served by the connection is required.
- (b) The fee for connection permits which is to cover the cost of the inspection of the tap shall be as established by the County Water Resources Official.
- (c) The connection to the county drain will be made under the supervision of an inspector from the County Water Resources Official's office in accordance with approved plans of such connection.
- (d) A minimum of twenty-four (24) hours' notice (excluding Saturday, Sunday, and holidays) must be given prior to tap to enable the County Water Resources Official office to arrange for inspection.
- (e) Requests for inspection shall be directed to the technician charged with the responsibility of permit issuance.
- (f) All lines connected to county drains shall be clean (free from silt, dirt, debris, etc.).
- (g) Yard drains, catchbasins, downspouts, weep tile, perimeter drains or other structures used for the collection and conveyance of stormwater will be permitted to outlet into the county combined drains, provided such properties lie within such 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 County Water Resources Official's 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. No. 153, § 6(C), 1-22-1990)

Sec. 17-274. Discharge of stormwater and groundwater from areas outside combined sewer area

- (a) For the purposes of this section, "system" is defined as a lateral having two (2) or more connections.
- (b) A construction permit from the S.E.A. is required for a sewer system.
- (c) All sanitary sewer systems lying in those areas of the SOCSDS district, designated as separated, to be connected directly or indirectly into the intercepting sewer or sewers of the SOCSDS prior to connection, shall meet the following requirements:
 - (1) A connection permit shall be obtained by the owner or contractor from the County Water Resources Official's office. Such 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 necessary by the County Water Resources Official. A fee shall be charged for such permit to cover the cost of inspection of the connection and system connected.

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(CHAPTER 17, ARTICLE IV, DIVISION 3, SECTION 17-274(c) cont.)

- (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 Water Resources Official's office.
- (d) All sewers over twenty-four-inch diameter shall be subjected to infiltration tests. All sewers of twenty-four-inch diameter or smaller where the groundwater level above the top of the sewer is over seven (7) feet shall be subjected to an infiltration test.
 - (1) Maximum allowable infiltration shall not exceed two hundred fifty (250) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for the overall project. Maximum allowable infiltration shall not exceed five hundred (500) gallons per inch of diameter per mile of pipe per twenty-four (24) hours for any individual run between manholes.
 - (2) All sewers of twenty-four-inch diameter or less, where the groundwater level above the top of the sewer is seven (7) feet or less, shall be subjected to air tests or exfiltration tests. For exfiltration tests the internal water level shall be equal to the external water level plus seven (7) feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.
 - (3) The procedure for air testing of sewers shall be as follows:
 - (i) The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One (1) of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of three and one-half (3 1/2) inches and a range of 0--10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ±0.04 PSIG.
 - (ii) The sewer shall be pressurized to 4.0 PSIG greater than the greatest back pressure caused by groundwater over the top of the sewer pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize between 3.5 and 4.0 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.
 - (iii) 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 such other pressure as is necessary to compensate for groundwater level.
 - (iv) 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 "County Water Resources Official's Air Test Tables."
 - (v) 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 (3) inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the groundwater elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the groundwater elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum groundwater level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.
 - (vi) 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.
 - (vii) All visible leaks and cracks shall be repaired regardless of test results.
- (e) Stormwater and groundwater control measures shall be as follows:
 - (1) Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of stormwater and/or groundwater shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided below.
 - (2) 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

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- regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of such perimeter and footing drains.
- (3) The crock to iron joint shall be sealed by approved flexible adaptor fittings such as those manufactured by Fernco Joint Sealer Company, or as approved by the County Water Resources Official's office. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.
- (f) Building sewers shall be subject to the following:
- (1) House connection sewer from lateral sewer in the street or easement five (5) feet from house shall be:
- (i) 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;
- (ii) Six-inch diameter ABS plastic solid wall sewer pipe conforming to ASTM designation D-2751 SDR 35 or 23.5;
- (iii) Six-inch diameter PVC plastic solid wall sewer pipe conforming to ASTM designation ASTM D-3034 SDR 35 or ASTM D-2665 Schedule 40;
- (iv) Other pipes and joints as may be approved by the County Water Resources Official.
- (2) 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 five hundred (500) U.S. gallons per inch of diameter, per mile, per twenty-four (24) hours.
- (3) 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 such time as the plumbing is carried on to the first floor, thereby providing that no water from the excavated basement will enter the sanitary sewer.
- (4) The municipality shall issue tap permits for each structure that is connected into the SOCSDS and be responsible to see that the above specifications pertinent to materials and installations are followed.
- (g) The SOCSDS, through their agent, the County Water Resources Official, 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."
- (h) Plans and specifications covering the construction of all new sewers, both combined and sanitary (separate), lying within the SOCSDS service area shall be submitted to the office of the County Water Resources Official for review and approval prior to construction.
- (i) The quality of domestic and industrial waste outletted into the SOCSDS facilities shall conform to the current City of Detroit Ordinance pertinent to domestic and industrial wastes. It is the contractual obligation of the municipality, reference section 16 of contract with County, to use SOCSDS facilities to enforce these standards.
- (j) No requirements of the SOCSDS or permits issued hereunder by the system through their agent, the County Water Resources Official, shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein such property is located, where such are not in conflict with requirements of the SOCSDS.
- (k) All sewer construction shall comply with the general specifications of the County Water Resources Official; copies of such specifications may be obtained from the office of the County Water Resources Official.

(Ord. No. 153, § 6(D), 1-22-1990)

Secs. 17-275--17-290. Reserved

(CHAPTER 17, ARTICLE IV cont.)

Division 4. General Wastewater Disposal Regulations*

**Editor's note: An ordinance of December 9, 2002, amended the Code by repealing former div. 4, §§ 17-291--17-310, and adding a new div. 4. Former div. 4 pertained to similar subject matter, and derived from Ord. No. 153, § 7, adopted January 22, 1990.*

Sec. 17-291. Delegation of authority

The City of Detroit, through the Detroit Water and Sewerage Department, as the state-approved control authority, is authorized to administer and enforce the provisions of this division on behalf of the Township. The Township executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this division, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of control authority pursuant to state and federal law.

(Ord. of 12-9-2002)

Sec. 17-292. Discharge prohibitions

- (a) *General pollutant prohibitions.* No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pre-treatment standards or to any other federal, state, or local pre-treatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:
- (1) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW, pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140° F or 60° C using the test methods specified in 40 C.F.R. 261.21; or
 - (2) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the question of the POTW, including, 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, plastic, tar, asphalt residues; residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or
 - (3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or
 - (4) Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals; or
 - (5) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or
 - (6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to

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the Solid Water Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with state criteria applicable to the sludge, management method being used; or

- (7) Any substance which will cause the POTW to violate either the consent judgment in U.S. EPA v. City of Detroit, et al, Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit; or
 - (8) Any discharge having a color uncharacteristic of the wastewater being discharged; or
 - (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment plant to rise above 104°F (40°C); or
 - (10) Any pollutant discharge which constitutes a slug; or
 - (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable federal or state regulations; or
 - (12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or
 - (13) Any solid materials having a specific gravity greater than one and two-tenths (1.2) or a cross section dimension of one-half (1/2) inch or greater which are sufficient to cause interference with the POTW.
- (b) *Specific pollutant prohibitions.* No user shall discharge wastewater containing in excess of the following limitations:
- (1) *Compatible pollutants:* See appendix C.
 - (2) *Non-compatible pollutants.* No user shall discharge wastewater containing in excess of the following, expressed in mg/l:

Arsenic (As)	1.0
Cadmium (Cd)	See Appendix C
Chromium (Cr)	25.0
Copper (Cu)	2.5
Cyanide (CN) (available)	1.0
Iron (Fe)	1000.0
Lead (Pb)	1.0
Nickel (Ni)	5.0
Silver (Ag)	1.0
Zinc (Zn)	7.3
Total phenolic compounds	1.0 or see appendix B

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

- a. The limitation for total PCB is non-detect. Total PCB shall not be discharged at detectable levels, based upon U.S. EPA Method 608, and the quantification level shall not exceed 0.2 ug/m/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one (1) or more samples indicate detectable levels of total PCB, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the total PCB concentration is below the detection level, or submission of a BMP in accordance with 56-3-66.1(d).
- b. The limitation of mercury (Hg) is non-detect. Mercury (Hg) shall not be discharged at detectable levels, based upon U.S. EPA Method 245.1, and the quantification level shall not exceed 0.2 ug/m/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one (1) or more samples indicate detectable levels of mercury, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the mercury concentration is below the detection level, or submission of a BMP in accordance with 56-3-66.1(d).

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

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- (3) *Compliance period.* Within thirty (30) days of the effective date of this section, the department shall notify all industrial users operating under an effective wastewater discharge permit of the requirement to submit a compliance report within one hundred eighty (180) days after the effective date of this section. The compliance report shall demonstrate the user's compliance or non-compliance with these limitations, and, in the event of non-compliance, include the submission of a plan and schedule for achieving compliance with the stated limitation. In no event shall a compliance schedule exceed eighteen (18) months from the effective date of this section. An industrial user who does not demonstrate compliance may petition the department for a second extension as part of an administrative consent order. The department shall include appropriate monitoring, reporting, and penalties into an administrative consent order that relates to a second extension, and shall enter into such an agreement only upon a good-faith showing by the industrial user of the actions taken to achieve compliance with this provision.
- (c) *National Categorical Pre-treatment Standards.* All users shall comply with the applicable National Categorical Pre-treatment Standards and requirements promulgated pursuant to the act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, however, that where a more stringent standard or requirement is applicable pursuant to state law or regulation, or to this division, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the department. The National Categorical Pre-treatment Standards which have been promulgated as of the effective date of this section are delineated in appendix A.

 - (1) *Intake water adjustment.* Industrial users seeking adjustment of National Categorical Pre-treatment Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. 403.15. Upon notification of approval by the department, the adjustments shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.
 - (2) *Modification of National Categorical Pre-treatment Standards.* The department may apply to the U.S. Environmental Protection Agency, or to the **S.E.A.**, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the department, any industrial user desiring to obtain such credit shall make an application to the department, consistent with the provisions of 40 C.F.R. 403.7 and of this division. Any credits which may be granted under this section may be subject to modifications or revocation as specified in 40 C.F.R. 403.7, or as determined by the department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the Water Board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.
 - (3) *New sources.* Industrial users who meet the new source criteria shall install, maintain in operating condition, and 'start-up' all pollution control equipment required to meet applicable pre-treatment standards before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable pre-treatment standards.
 - (4) *Concentration and mass limits.* When limits in a categorical pre-treatment standard are expressed only in terms of mass of pollutant per unit of production, the department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to the individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. 403.6(c)(3) and/or 40 C.F.R. 403.6(c)(4) and shall be deemed pre-treatment standards for the purposes of 33 U.S.C. 1317(d) and of this division. Industrial users will be

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required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

- (5) *Reporting requirements for industrial users upon effective date of categorical pre-treatment standards-baseline report.* Within one hundred eighty (180) days after the effective date of a categorical pre-treatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pre-treatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the department a report containing the information listed in 40 C.F.R. 403.12(b)(1)--(7). Where reports containing this information have already been submitted to the director or regional administrator in compliance with the requirement of 40 C.F.R. 128.140(b), the industrial user will not be required to resubmit this information. At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pre-treatment standard shall submit to the department a report which contains the information listed in 40 C.F.R. 403.12(b)(1)--(5). In such report, new sources shall include information concerning the method of pre-treatment the source intends to use to meet applicable pre-treatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. 403.12(b)(4) and (5).
- (d) *Dilution prohibited.* Except where expressly authorized to do so by an application pre-treatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pre-treatment standards, or in any other pollutant specific limitation or requirement imposed by the Township, the City of Detroit or by the State.
- (e) *Hauled in wastewater.* Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this division including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pre-treatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the department for unloading such waste in accordance with the [Water Board's](#) rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the [Water Board](#). Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirement specified in this division. The department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this division.
- (f) *Centralized waste treatment.* It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the department. Any authorization granted, or permit issued, by the department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the department to discharge wastewater is not required to obtain further authorization from the department before discharging such wastewater.

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

- (1) The general nature, course and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to national categorical pre-treatment standards as delineated in appendix A shall be so designated;
- (2) The identity of the toxic pollutants known or suspected to be present in the wastewater;

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- (3) At least one (1) sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in subsection (f)(1) of this section;
- (4) A statement, certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);
- (5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the State, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the department; and
- (6) Other information requested by the department including, but not limited to, information required by this division or by rules adopted by the **Water Board**. The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in this article, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in this article regarding permits. In furtherance of its obligations as control authority, the department may include in the permit a requirement to report as selected intervals the information mandated in subsections (1) through (6) of this section.

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

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

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

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

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

- (i) *Accidental discharges.*

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

For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five (50 percent or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five (55) gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or

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

- (2) At least once every two (2) years, the department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined at 40 C.F.R. 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty (30) days of notification by the department.
- (j) *Notification requirements.* Unless a different notice is provided by this division or applicable law, within one (1) hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, state or Township laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with subsection (1) of this section, the industrial user shall telephone the department at its control center and notify the department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five (5) calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.
- (k) *Notice to employees.* A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the department in the event of an actual or excessive or prohibited discharge.
- (l) *Recovery of costs.* Any user discharging in violation of any of the provisions of this article, which produces a deposit or obstruction, or causes damage to or impairs the department's POTW, or causes the department to violate its NPDES permit, shall be liable to the department for any expense, loss, damage, penalty or fine incurred by the department because of said violation or discharge. Prior to assessing such costs, the department shall notify the user of its determination that the user's discharge was a proximate cause of such damage, obstruction, impairment, or violation of the city's NPDES permit and the department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of costs estimates. Failure to pay the assessed costs shall constitute a violation of this article. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this division, or this Code, or other statutes and regulations, or at law or in equity.
- (m) *Hazardous waste notification.* All industrial users, who discharge into the Township collection system, shall notify the department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. 403.12(p).
- (n) *Authorized representative.* The authorized representative, as defined in Section 17-223 may designate a duly authorized representative of the individual designated in Section 17-223 where:
 - (1) The authorization is made in writing by the individual defined in Section 17-223;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and responsibility, or having overall responsibility for environmental matters for the company; and

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- (3) The written authorization is submitted to the department.
- (o) *Pollution prevention.* The department shall encourage and support industrial users to develop and implement pollution prevention programs which eliminate or reduce pollutant contributions beyond the levels required by this division. The department may require an industrial user to implement pollution prevention initiatives as part of an enforcement response, or as necessary to comply with its NPDES permit.
(Ord. of 12-9-2002; Ord. of 3-24-2008)

Sec. 17-293. Fees

- (a) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Water Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by board action.
- (b) The Water Board shall adopt charges and fees which shall include, but not limited to:
- (1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the department's industrial waste control and pre-treatment programs; and
 - (2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal; and
 - (3) Reasonable fees for reimbursement of costs for hearings, including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
 - (4) Other fees, which the Water Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.
(Ord. of 12-9-2002)

Sec. 17-294. Wastewater discharge permits

- (a) Required. It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of this article. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this article.
- (1) All significant industrial users, which are in existence on the effective date of this division, shall apply for a wastewater discharge permit within thirty (30) days of the effective date of this article. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this section. These applications are to include all information specified in subsection 17-294(c) and, where applicable, any additional information which may be needed to satisfy the federal baseline monitoring report requirements of 40 C.F.R. 403.12(b).
 - (2) All new significant users shall apply for a wastewater discharge permit at least ninety (90) days prior to commencement of discharge. The application must include all information required by this article and, where applicable, any additional information that may be needed to satisfy the federal BMR requirements of 40 C.F.R. 403.12(b). Until a permit is issued and finalized by the department, no discharge shall be made into the POTW.
 - (3) Any user who proposes to discharge any wastewater other than sanitary or noncontact cooling water into the POTW shall request approval from the department for the discharge(s) at least thirty (30) days prior to the commencement of the article.
- (b) Permit application or reapplication. The department may require any user to complete a questionnaire and/or a permit application and to submit the same to the department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty (30) days of being so notified, a user shall comply with the department's request in the manner and form prescribed by the department. Failure of the department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this article.
- (1) A user, which become subject to a new or revised National Categorical Pre-treatment Standard, shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of

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the applicable National Categorical Pre-treatment Standard, unless an earlier date is specified or required by 40 C.F.R. 403.12(b). The existing user shall provide a permit application which includes all the information specified in this article.

- (2) A separate permit application shall be required for each separate facility.
- (3) Existing permittees shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of existing permits on a form prescribed by the department.
- (c) Application or reapplication information. In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;
 - (2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;
 - (3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;
 - (4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in this article, those pollutants limited by national categorical pre-treatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced maximum and average concentrations during a one-year period shall be provided. For industries subject to national categorical pre-treatment standards or requirements, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.
 - (5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pre-treatment standards or requirements, shall be so designated. As pertains to subsection (c)(4), of this section, identify which pollutants are associated with each process;
 - (6) Restricted to only those pollutants referred to in subsection (c)(4), of this section, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in subsection (c)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;
 - (7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week;
 - (8) Denote:
 - (i) The average and maximum twenty-four-hour wastewater flow rates including, if any, daily, monthly and seasonable variations;
 - (ii) Each national categorical process wastestream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and
 - (iii) Each combined wastestream;
 - (9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined wastestream. This schematic shall be cross-referenced to the information furnished in subsection (c)(8) of this section;

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- (10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pre-treatment standards or requirements only;
 - (11) A statement regarding whether or not the requirements of this division and of the national categorical pre-treatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;
 - (12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of this article;
 - (13) Proposed or actual hours of operation of each pre-treatment system for each production process;
 - (14) A schematic and description of each pre-treatment facility which identifies whether each pre-treatment facility is of the batch type or continuous process type;
 - (15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;
 - (16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this article and the national categorical pre-treatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;
 - (17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and
 - (18) Any other information as may reasonable be required to prepare and process a wastewater discharge permit.
- (d) Permit issuance. Upon receipt of an application, the department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:
- (1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;
 - (2) The industrial user does not meet the definition of a significant industrial user but is found by the department to have no reasonable potential for adversely affecting the POTW operation or for violating any pre-treatment standard or requirement, and is not required to have a wastewater discharge permit. The department shall make such determination in accordance with the requirements of 40 C.F.R. 403.8(f)(6);
 - (3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. 403.12 or by the department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable;
 - (4) The industrial user is required to have a wastewater discharge permit. The department shall notify the industrial user of its determination and the basis of the determination.

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

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- (e) Permit conditions. Wastewater discharge permits shall contain all requirements of 40 C.F.R. 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this division, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or the Township without repetition therein. In addition, permits may contain the following:
- (1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in this article, or the applicable national categorical pre-treatment standards;
 - (2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;
 - (4) Restrictions on which of the user's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW;
 - (5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;
 - (6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;
 - (7) Restrictions based on the information furnished in the application;
 - (8) Additional reporting requirements:
 - (i) All permittees shall submit a report on the form prescribed by the department, or on an alternative form approved by the department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit. Unless required more frequently, the reports shall be submitted at six-month intervals on a schedule to be established by the department. Analytical data generated by the department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.
 - (ii) Permittees not subject to national categorical pre-treatment standards or requirements shall submit a report in accordance with the requirements of this article. The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the department.
 - (iii) Permittees subject to national categorical pre-treatment standards or requirements shall submit compliance reports at the times and intervals specified by federal regulations and by the department. A compliance report shall be submitted to the department no later than ninety (90) days following the final compliance date for a standard, or in the case of a new source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. 403.12(d). A report on continued compliance shall be submitted at six-month intervals thereafter on the schedule established by the department and incorporated into the industrial users discharge permit and in accordance with this article. The reports shall be either on a form prescribed by the department or on an alternative form approved by the department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pre-treatment standards, or which there is a specific limitation in the permit, or which may be identified by the department. The report shall include a report of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the department, provided there have been no changes to the elements composing the combined wastestream.
 - (iv) Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pre-treatment standards. The frequency of monitoring

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shall be as prescribed in the applicable general pre-treatment regulations, being 40 C.F.R. Part 403, or by the department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pre-treatment standards and requirements. All sampling analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analysis techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

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

- (v) This report, and those required under Section 17-292 and Section 17-294, shall include the following certification statement: "I certify under penalty of the law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations." Said certification shall be signed by the facility's authorized representative. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the department prior to, or together with, any reports to be signed by an authorized representative.
- (vi) If sampling performed by a permittee indicates a violation, the user shall notify the department within twenty-four (24) hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analyses to the department within thirty (30) days after said user becomes, or should have become aware of the violation.
- (9) In the event the director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the department has the authority to develop and enforce effluent limits applicable to the user. To the extent the department seeks to impose restrictions in a permit which are more restrictive than established in this article, the department shall provide written documentation to explain the greater restrictions for protection against pass through, interference, or violation of the NPDES permit;
- (10) Requirement for pollution prevention initiatives; and
- (11) Other requirements reasonably necessary to ensure compliance with this division.
- (f) Permit duration. Permits shall be issued for a specific period of time. Except as deemed necessary by the department, or as otherwise provided for under this division, permits shall be issued for a specified period of not more than five (5) years nor less than one (1) year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the department, shall be automatically extended until a permit is issued as final.
- (g) Permit modification. The terms and conditions of the permit may be subject to modification by the department during the term of the permit as limitations or pre-treatment standards and requirements are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:
 - (1) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an

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application form and apply for a modification of the permit within thirty (30) calendar days of the change;

- (2) Change(s) in the department NPDES permit;
- (3) Embodiment of the provisions of a legal settlement or of a court order;
- (4) Any changes necessary to fulfill the department's role as control authority;
- (5) An industrial user's noncompliance with portion 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 pre-treatment standards or requirements including C.F.R. Part 403 and those delineated in appendix A of this division. Permittees shall request an application form and apply to the department for a modified permit within ninety (90) days after promulgation of a new or revised national categorical pre-treatment standard to which the industrial user shall be subject. Information submitted pursuant to this subsection shall be confined to that information related to the newly promulgated or amended national categorical pre-treatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the department may initiate this action;
- (9) Changes in the monitoring locations;
- (10) Typographical errors or omissions in permits;
- (11) The department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or
- (12) The user may request a modification of the permit.

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

- (h) Permit custody and transfer. Wastestream discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changes operation without notice to and written approval of the department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the department of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the department prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the department may revoke a permit. If a change takes place, the department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the department allows to be retained.
- (i) Permit notification requirements. All industrial users shall promptly notify the department in advance or any substantial change in volume or character of pollutants in their discharge, including the listed or characteristics hazardous waste for which initial notification under 40 C.F.R. 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty (30) calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this article.

(Ord. of 12-9-2002)

Cross references: Business regulations and Licensing, Ch. 10.

Sec. 17-295. Monitoring facilities

- (a) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure or facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the department and the industrial user, and to enable the department to conduct such other monitoring and sampling as required for determining

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compliance with discharge requirements, limits and standards as provided for in this article. In the event the department determined that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the department, said facility shall be provided within ninety (90) days of receipt of notification by the department. The industrial user shall provide the department with:

- (1) A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;
- (2) A flow schematic showing:
 - (i) Which connections receive each national categorical process wastestream;
 - (ii) Which connections receive stormwater, sanitary water or cooling water; and
 - (iii) Which lines handle each combined wastestream.

This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the department may install such structure or device and the significant user shall reimburse the department for any costs incurred therein.

- (b) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the department. When such location would be impractical or cause undue hardship to the industrial user, the department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other governmental agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the department's requirements and all applicable local construction standards and specifications.

(Ord. of 12-9-2002)

Sec. 17-296. Inspection, sampling and record-keeping

- (a) For purposes of administering and enforcing this division, any other applicable provisions of this Code or applicable state or federal laws and regulations, the department may inspect the establishment, facility or other premises of the industrial user. The department's employees or authorized representative shall have access to the industrial user's premises for purpose of inspection, sampling, compliance monitoring and/or metering activities.
- (b) Each inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that facility's authorized representative has the right to observe the inspection and/or sampling. The department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.
- (c) While performing work on private property, employees or authorized representatives of the department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a fully authorized representative of the industrial user. Duly authorized department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take

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- photographs of facilities, which photographs shall be maintained by the department as confidential.
- (d) Where an industrial user has the security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the department will be permitted to enter for the purposes of performing their specific responsibilities.
 - (e) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The department may require such samples to be split with the department for the department's independent analysis.
 - (f) Industrial users shall maintain records of all information from monitoring activities required by this division, or by 40 C.F.R. 403.12(n). Industrial user's shall maintain the records for no less than three (3) years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's industrial waste program, or when requested by the department, by the State or by the EPA.
 - (g) Upon the request of the department, industrial users shall furnish information and record relating to discharges into the POTW. Industrial users shall make such records readily accessible to the department at all reasonable times, and allow the department to copy such records.
 - (h) In the event the department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the department shall be controlling unless proven invalid.
 - (i) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two (2) or more times greater than the numeric limitations or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the department within fourteen (14) days which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two (2) times the limitation in the future.

(Ord. of 12-9-2002)

Sec. 17-297. Confidential information

- (a) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. When submitted to the department, all information claimed to be confidential must be clearly marked 'confidential'. When requested by the person furnishing the report, the portions of a report determine by the department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection to the public, but shall be made available upon request to governmental agencies for uses related to this division, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the state disposal system permit and/or the pre-treatment programs, provided, however that information shall

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be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users which the department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

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

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

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

(Ord. of 12-9-2002)

Sec. 17-298. Statutes, laws and regulations

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

(Ord. of 12-9-2002)

Sec. 17-299. Enforcement

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

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

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(CHAPTER 17, ARTICLE IV, DIVISION 4, SECTION 17-299(C)(4) cont.)

department may, as part of an administrative order, also require development of a BMP as a part of the department's enforcement response. Upon approval of the department, these pollution prevention initiatives, or BMPs shall be made an enforceable part of the wastewater discharge permit. Industrial users shall provide, at six-month intervals, analytical results and certifications in support of its implementation of an approved pollution prevention initiative or BMPs. Upon demonstration of compliance, the industrial user may request to be relieved of this implementation requirement.

- (d) *Emergency suspensions and orders.* The department may order suspension of the sewer or wastewater treatment service and/or wastewater discharge permit where, in the opinion of the department, such suspension is necessary to stop any actual or threatening discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the department provides information notification under this section, written confirmation and an order shall be provided within twenty-four (24) hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the director shall notify the industrial user within twenty-four (24) hours in writing of such action and order, and the specific recourse available. In any event, the department shall provide the industrial user with an opportunity for a hearing before the director, or his designated representative, within ten (10) days of such action. The industrial user shall submit a detailed written statement to the department within fifteen (15) days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the non-complying discharge, the department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.
- (e) *Notice of violation.* Except in the case of an actual threatened discharge as specified in subsection (d) of this section, whenever the department has reason to believe that any industrial user has violated or is violating this article, the department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the department to issue a notice of violation shall not preclude the department from escalating its enforcement response.
- (f) *Administrative actions.* Whenever the department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pre-treatment standard or requirement or any prohibition of this article, the department, except in the case of emergency or flagrant violation, may initiate appropriate administrative enforcement action in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.
 - (1)
 - (i) *Conferences.* The department may order any person, who violated this division, to attend a conference wherein the department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten (10) days before the scheduled conference and shall set forth the date and time, and place thereof. The conference shall be conducted by a representative of the department. The industrial user shall present a plan and schedule for achieving compliance with this article. Nothing contained herein shall require the department to accept or agree to any proposed plan or schedule, or to prevent the department from proceeding with a show cause hearing as set forth in subsection (2) of this section. If the attendees agree upon a compliance schedule, the user and the

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(CHAPTER 17, ARTICLE IV, DIVISION 4, SECTION 17-299(f)(1)(i) cont.)

- department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this article and any procedures, requirements and agreements hereunder.
- (ii) *Compliance schedules.* The user and the department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, or an administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pre-treatment facilities, or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pre-treatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completion construction;
 - b. No single increment referred to in subsection 1. of this section shall exceed nine (9) months;
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and
 - d. Any deviations from the compliance schedule may result in the industrial user being found in violation of this division.
 - (iii) *Administrative orders.* The department may order any industrial user, who violates or continues to violate this division or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pre-treatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.
- (2) *Show cause hearing.* The department may order any industrial user who violates this division or allows such violation to occur, to show cause before the department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten (10) days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.
- (i) *Hearing proceeding.* The hearing shall be conducted in accordance with the procedures adopted by the Water Board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:
 - a. In the name of the Water Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - b. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.
 - (ii) *Transcript.* At any show cause hearing held pursuant to this division, testimony shall be recorded by a court reporter.

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(CHAPTER 17, ARTICLE IV, DIVISION 4, SECTION 17-299(f) cont.)

- (3) *Actions.* After a show cause hearing has been conducted, the hearings officer shall issue an order to the industrial user directing any of the following actions:
 - (i) Immediate compliance with the industrial user's wastewater discharge permit or with any application limitation, condition, restriction or requirement of this article, or applicable local, state or federal law or regulation;
 - (ii) Pre-treatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specific time period;
 - (iii) Submission of compliance reports on effluent quality and quantity as determined by self-monitoring and analysis during a specified time period;
 - (iv) Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;
 - (v) Control of discharge quantities;
 - (vi) Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the department during compliance effort; and/or
 - (vii) Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed.
 - (viii) A finding the user has demonstrated by a preponderance of the evidence that a violation either of this article or of a duly issued permit, did not occur.
 - (4) *Public notification of significant noncompliance.* The department shall publish in the largest daily newspaper published in the City of Detroit and the Township a list of all industrial users shall be provided with a copy of the proposed notice at least thirty (30) days before publication and allowed an opportunity to comment as to its accuracy.
- (g) *Legal actions.*
- (1) *Criminal action:* Any user, who violated any provision of this article including the failure to pay any fees, fines, charges, or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or wastewater discharge permit, or who tampers with or knowingly rendered inaccurate any monitoring device required under this division, is guilty of a violation of this division and, upon conviction, shall be punished as provided in Section 1-010(a) of this Code. The department, consistent with the terms and conditions of the delegation agreement entered into with the Township is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this article.
 - (2) *Civil action:* Whenever the department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pre-treatment standard or requirement or any requirement of this article, the director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The department or Water Board may also seek additional legal and/or equitable relief. The commencement of suit does not constitute an exclusive election of remedies and does not prohibit the department, director, Water Board, City of Detroit or the Township from commencing action in federal court for discharges believed to be in violation of this division, state and federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit and/or the Township may recover the reasonable attorney fees, court costs, court reports' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this article, or the orders, rules, regulations and permits issued hereunder.
 - (3) All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department and the Township, where applicable.

(Ord. of 12-9-2002; Ord. of 3-24-2008)

(CHAPTER 17, ARTICLE IV, DIVISION 4 cont.)

Sec. 17-300. Reconsideration and appeal

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

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

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(CHAPTER 17, ARTICLE IV, DIVISION 4, SECTION 17-300(c) cont.)

shall be conducted in accordance with procedures set by the Water Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

- (1) Any request for an appeal must be made within twenty (20) days of the department's action, determination or decision regarding the request for reconsideration of any permit issued in accordance with this article.
- (2) Where a request either is not filed within the time period contained in this subsection or it improperly made, the action, determination or decision of the Director, or the department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.
- (3) The department shall appoint a hearings officer. The hearings officer shall review the evidence, and within fifteen (15) days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the department.
- (4) The written recommendation of the hearings officer shall be submitted to the Water Board which shall render a final decision within thirty (30) days of its next regularly scheduled meeting.
- (5) In accordance with applicable law, the user or the department may appeal any final decision of the Water Board to a court of competent jurisdiction.
- (6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of the State, the filing of a request for appeal in accordance with this section shall stay the action by the department that is the subject of the appeal.

(Ord. of 12-9-2002)

<i>CHAPTER 17, ARTICLE IV, DIVISION 4, APPENDIX A</i>	
Aluminum forming	40 C.F.R. Part 467
Asbestos manufacturing	40 C.F.R. Part 427
Battery manufacturing	40 C.F.R. Part 461
Builder's paper and board mills	40 C.F.R. Part 431
Canned and preserved fruits/vegetables	40 C.F.R. Part 407
Canned and preserved seafood proc.	40 C.F.R. Part 408
Carbon black manufacturing	40 C.F.R. Part 458
<i>CHAPTER 17, ARTICLE IV, DIVISION 4, APPENDIX A cont.</i>	
Cement manufacturing	40 C.F.R. Part 411
Centralized waste treatment	40 C.F.R. Part 437
Coal mining	40 C.F.R. Part 434
Coil coating	40 C.F.R. Part 465
Copper forming	40 C.F.R. Part 465
Dairy products processing	40 C.F.R. Part 405
Electrical and electronic components I	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413
Explosives manufacturing	40 C.F.R. Part 457
Feed lots	40 C.F.R. Part 412
Ferroalloy manufacturing	40 C.F.R. Part 424

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Fertilizer manufacturing	40 C.F.R. Part 418
Glass manufacturing	40 C.F.R. Part 426
Grass mills	40 C.F.R. Part 406
Gum and wood chemicals mtg.	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink formulating	40 C.F.R. Part 447
Inorganic chemicals manufacture (I & III)	40 C.F.R. Part 415
Iron and steel	40 C.F.R. Part 420
Landfills	40 C.F.R. Part 445
Leather tanning and finishing	40 C.F.R. Part 425
Meat products	40 C.F.R. Part 432
Metal finishing	40 C.F.R. Part 433
Metal molding and casting	40 C.F.R. Part 464
Metal products and machinery	40 C.F.R. Part 438
Mineral mining and processing	40 C.F.R. Part 436
Nonferrous metals forming	40 C.F.R. Part 471
Nonferrous metals mfg. I	40 C.F.R. Part 421
Nonferrous metals mfg. II	40 C.F.R. Part 421
Ore mining and dressing	40 C.F.R. Part 440
Organic chemicals, plastics, and synthetic fibers	40 C.F.R. Part 414
<i>CHAPTER 17, ARTICLE IV, DIVISION 4, APPENDIX A cont.</i>	
Paint formulating	40 C.F.R. Part 446
Paving and roofing material	40 C.F.R. Part 443
Pesticide chemicals	40 C.F.R. Part 455
Petroleum refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics molding and forming	40 C.F.R. Part 463
Porcelain enameling	40 C.F.R. Part 466
Pulp, paper, and paperboard	40 C.F.R. Part 430 & 431
Rubber manufacturing	40 C.F.R. Part 428
Soap and detergent mfg.	40 C.F.R. Part 417
Steam electric	40 C.F.R. Part 423

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Sugar processing	40 C.F.R. Part 409
Textile mills	40 C.F.R. Part 410
Timber products	40 C.F.R. Part 429
Transportation equipment cleaning	40 C.F.R. Part 442
Waste combusters	40 C.F.R. Part 444

Chapter 17, Article IV, Division 4, Appendix B

An industrial user may elect, in lieu of the total phenols limitation specified in this article, to substitute specific limitations for each of the eight (8) individual phenolic compounds identified under the total phenols limitation. The following specific limitations, expressed in mg/l, shall be applied in lieu of the total phenols limitation, upon election;

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

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

Chapter 17, Article IV, Division 4, Appendix C, Interim Discharge Limitations

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

(a) *Compatible pollutants:*

- (1) Any fats, oil or grease (FOG) in concentrations greater than 1,500 mg/l based on an average of all samples collected within a twenty-four-hour period.
- (2) Any total suspended solids (TSS) in concentrations greater than 7,500 mg/l.
- (3) Any biochemical oxygen demand (BOD) in concentrations greater than 7,500 mg/l.
- (4) Any phosphorus (P) in concentrations greater than 250 mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a user's discharge, and in accordance with 40 CFR Part 146.

(b) *Non-compatible pollutants:* Cadmium (Cd) 1.0 mg/l

(Ord. of 12-9-2002; Ord. of 3-24-2008)

Secs. 17-301--17-310. Reserved

Division 5. Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility.

Sec. 17-311. Adoption of Regulations as Appendix D to Chapter 17 of Code.

The Industrial Pretreatment Program Regulations for Discharges to The Clinton River Water Resource Recovery Facility presented with and considered a part of this Ordinance as Appendix D, which the township is required to adopt because it discharges wastewater to the Clinton River Water Resource Recovery Facility, are adopted as an Ordinance of the township, and the Waterford Charter Township Code is hereby amended to add those regulations as Appendix D of Chapter 17, as part of Division 5 in Article IV.

(CHAPTER 17, ARTICLE IV, DIVISION 5 cont.)

Sec. 17-312. - Delegation of Authority.

The Oakland County Water Resources Commissioner, or the “WRC,” is authorized to administer and enforce the provisions of Appendix D of Chapter 17 of this Code, on behalf of the township. The township has executed and hereby ratifies the Clinton River Water Resource Recovery Facility Interjurisdictional Agreement and its delegation agreement with the WRC, which sets forth the terms and conditions of such delegated authority and allows the WRC to perform the specific responsibilities of control authority pursuant to state and federal law.

(Ord. of 2-11-2019)

ARTICLE V WATER

Division 1. Generally

Sec. 17-326. Definitions

In addition to those rules of construction and definitions contained in Sections 1-002, 17-208, and 17-053, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Department of public works or DPW means the department of the Township encompassing the operation of the water and sewage division or department and the public works division or department.

Main and water main means those pipes, other than supply pipes and services pipes, used for conveying or distributing water.

Multiple occupancy means a structure or building containing separated units of occupancy where there are two (2) or more such separate occupants, users or residents, each of which has access to municipal water supplied to the structure or building.

Premises means the particular property connected to the system and includes appurtenant land and improvements.

Service pipe means that portion of the water pipe extending from the supply pipe from the point of the private property line into the building or structure being served with water, and shall include the water meter attached to the service pipe.

Supply pipe means a pipe tapped into a main and extending thence to and including the curb cock or valve at the property line.

Unit means that measure of potential water consumption equal to the quantity ordinarily consumed by occupants of a residence of a single family of average size. The number of units assigned to any premises or type of premises by the Township Board is designed to represent the potential water consumption thereof as a multiple of the quantity ordinarily consumed by occupancy of a residence by a single family of average size as determined from time to time by the Township Board.

Water department mean collectively those officials, employees and agents of the Township invested by the Township Board with authority over the system.

Waterford Water Supply System, water system and system mean collectively all plants, work, properties and instrumentalities, as the same shall from time to time exist, which are used or useful in connection with the obtaining of a water supply, the treatment of water, and/or the distribution of water by the Township.

(Comp. Ords. 1986, §§ 26.001--26.010; Ord. of 2-28-2005; Ord. of 11-26-2007)

Sec. 17-327. Organization and management

- (a) In pursuance of and within the limits of applicable laws and the contract with the County, dated November 1, 1963, the operation, management, maintenance and repair of the system, including collection and disposition of the revenues thereof, shall be under the immediate supervision and control of the Public Works Official.
- (b) All officers, employees and agents of the Township Board, insofar as their functions pertain to the system, shall be held strictly accountable for performance of the powers and duties delegated to them, and shall not vary from or exceed the authority conferred upon them.

(CHAPTER 17, ARTICLE IV, DIVISION 5 cont.)

- (c) The Township Treasurer, in conjunction with the Public Works Official, shall consolidate all separate bank accounts and funds existing as of June 24, 1991, into a single bank account and fund to be managed by the Township Treasurer in accordance with the requirements of this article and with existing agreements with the County.
(Comp. Ords. 1986, §§ 26.021--26.023; Ord. of 6-24-1991)

Sec. 17-328. Extension of mains

- (a) Extension of or changes in water mains may be initiated by the Township Board or by petition from property owners. Petitions for the construction of new mains shall be addressed to the Township Board upon blank forms provided for that purpose. The Township Board may refuse to grant, or may grant the same, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners. If the petition be granted, the Township Board will proceed as promptly as practical with the proposed work under the terms and conditions named. The work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this article.
- (b) The water mains of such system are under the exclusive control of the Township Board and all persons other than agents and employees of the Township Board are forbidden to disturb, tap, change, obstruct access to or interfere with them in any way.
- (c) Any person installing mains at their own expense shall first submit complete plans and specifications, prepared by a registered civil engineer, for such work, to the Township Engineer and the Public Works Official for review and approval.
- (d) Any person whose property lies outside of the Township desiring to connect to the water system will be subject to one and one-half (1 ½) times the normal connection fees and one and one-half (1 ½) times the normal quarterly billing rate. Such parties outside the Township interested in connecting to the water system shall provide a letter of no objection from the local governing body within which the building or property is located. The proposed connection shall thereafter be submitted to the Township Board by the Public Works Official for review and decision by the Township Board, in its sole discretion.
- (e) If a builder or developer undertakes to install water mains in new construction projects, which mains shall become part of the water system of the Township, the capital charge assessable for such waterlines shall be reduced by fifty (50) percent of the effective rate or charge.
- (f) All new construction of water main shall be served by a double source of water supply ("looped main") in accordance with the Township engineering Standards, or shall be designed so as to be served by a double source of water supply when adjacent properties are developed. Where water mains have previously been provided to the property limits of adjoining developments, they shall be extended by the Developer in like size, or larger as required, either to a circulating water main of at least equal size, or to the property limits of the present proposed development.
- (g) Terminal dead-end water mains with water service connections are discouraged, and will not be allowed without the written approval of the Public Works Official. This approval will only be granted if supporting data indicating that the "average day demand" for the proposed main will result in a complete turnover of the water in the dead-end main within a 24-hour period; and that the proposed dead-end main size and length is in accordance with the Township Engineering Standards. All dead-end water mains shall terminate with a complete fire hydrant assembly and such fire hydrant assembly shall be the only fire hydrant assembly allowed on the dead-end main.
(Comp. Ords. 1986, §§ 26.031--26.033; Ord. of 6-24-1991)

Sec. 17-329. Service pipes and supply pipe connections

- (a) Before any connection shall be made to any water main, application for same shall be made in writing to the water department by the owner on the premises to be served and a tapping permit secured. Such applications shall be made on forms provided by the water department. The owner, user, and/or applicant for a water tapping permit by such application impliedly agrees to abide by

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(CHAPTER 17, ARTICLE IV, DIVISION 5, SEC. 17-329(A) cont.)

- all rules and regulations of the water department in all respects, but more especially with those regarding the responsibility for the payment of water and/or sewer billings.
- (b) All supply and service pipes shall be of type "K" copper or polyethylene plastic pipe of size and quality as approved by the water department. All fittings and connections, underground, shall be approved by the water department.
 - (c) No water shall be passed through any service pipe, as defined herein, unless the installation of said pipe(s) is in conformance with the Code of Ordinances or other applicable regulations and has been installed under the supervision and inspection of Township staff or their designated representative. For each service pipe installed after January 1, 2008, only one (1) domestic master meter may be installed. Such meter can be installed inside the premises, or in a meter pit for commercial applications. Any proposed connection through which water may pass from one (1) property or premise to another, or within multiple occupancies, shall be only as set forth in Section 17-344, or as may be specially approved by the Director.
 - (d) Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures, is strictly prohibited. For disregard of, or repeated violation of this requirement, the water may be turned off by the water department.
 - (e) Service pipes shall be the responsibility of a licensed plumber, or a homeowner exercising his constitutional privilege as provided in Section 141 of the State plumbing code, and all the fixtures and attachments put in on the premises in connection therewith, must conform to character, design and quality to the laws of the State and the State plumbing code as adopted by the Township Board.
 - (f) All service pipes shall enter the building under the foundation with a minimum of five (5) feet of cover in yard areas, six (6) feet of cover in all drive and parking areas. All depths shall be measured from finish grade. Installation must be inspected before backfill by an inspector from the Township. No new connection will be made until written approval by the Township inspector is given to the DPW. A distance of ten (10) feet from all sewer or septic lines shall be maintained where possible.
 - (g) An approved valve the same size as the meter connections shall be placed on the service pipe on both sides of the meter. Such valves shall be equal to the service cock.
 - (h) No supply pipe of less than one-inch copper tube size is permitted. Supply pipes of larger size shall be determined by the water department.
 - (i) The charges for installation of supply pipes, supply lines in excess of one hundred (100) feet, and meters, referred to as "tapping charge," shall incur the fee(s) for installation as established in accordance with Section 17-001 of this Chapter.
 - (1) All new meter installations shall have a remote reading system as furnished by the DPW.
 - (2) For larger sizes than listed above, the charge shall be the actual cost of installation plus twenty-five (25) percent thereof. Upon receipt of the application for service requiring such larger sizes, an inspection of the premises shall be conducted in accordance with the procedures established by the Public Works Official and, unless service is rejected for cause, the applicant will be required to deposit with the Public Works Official an amount which, in the judgment of the Public Works Official is sufficient to cover the charge therefor. The DPW will then complete the installation and will keep or cause to be kept a detailed record of the cost, including labor and materials, and will add thereto the twenty-five (25) percent surcharge to cover the cost of administration, depreciation of equipment, and other related costs and expenses. If the deposit exceeds such total charge, the excess will be refunded, but if the total charge exceeds the deposit, the balance shall be paid by the applicant before service is commenced.
 - (j) At the time application is made for a water service connection to a building under construction, applicant must pay a flat rate for water usage as determined by the Public Works Official. Such fee for construction water shall entitle the applicant to water for construction purposes for a period of not more than three (3) months. Where water is provided, without a meter, for construction of a building, any wasting of water, whether caused by carelessness or by defective fixtures is strictly prohibited. For disregard of, or repeated violation of this requirement, the water may be turned off by the water department. The water service shall not be turned on again until an agreement is reached between the parties involved.

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CHAPTER 17 WATER AND SEWERS

(CHAPTER 17, ARTICLE IV, DIVISION 5, SEC. 17-329 cont.)

- (k) No supply pipe shall be installed when the service pipe is in line with a driveway, tree, fire hydrant, catchbasin or other obstruction.
- (l) All supply pipes from the main to the lot line shall be put in only by properly authorized employees of the water department. Before receiving a permit for a service connection, there must be paid such a sum, as required, to cover the expense of furnishing and installing the supply pipe, curbstop, stop box and meter.
- (m) The water supply pipe, from the main to the property line, shall be maintained by the DPW, but this clause shall not apply to old services installed by private parties, i.e., Venice of the Lakes. The service pipe from the property line to the premises shall be considered private plumbing and be maintained by the owner of the premises. Failure to keep the service line in good repair will result in discontinuance of service.
- (n) No person shall interfere in any way with the supply pipe installed by the DPW. No person is permitted to turn water on or off at the curbstop except for the purpose of testing his work, in which case the curbstop shall be left in the same condition and position as he found it.
- (o) All Township water used on any premises where a meter is installed must pass through the meter. No bypassing of the meter will be permitted except as provided in Section 17-340.
- (p) The water distribution system and plumbing fixtures of any new building or structure, and existing building or structure for which potable water was provided by a private well or water source that has failed or is no longer available, shall be connected to the Waterford Water Supply System if available at the property line of the premises upon which the building or structure is located and the connection can be provided at a cost that does not unreasonably exceed the cost to install or secure a well or other private source of potable water as determined by the Public Works Official.

(Comp. Ords. 1986, §§ 26.041--26.055; Ord. of 6-24-1991; Ord. of 12-11-1995; Ord. of 11-26-2007)

Sec. 17-330. Use of water restricted

- (a) No steam boiler shall be directly connected to the water service pipe. The owner shall provide a tank of sufficient capacity to afford a supply for at least ten (10) hours, into which the service pipe shall discharge.
- (b) No person shall take or use water from premises other than his own, or of which he has possession.
- (c) In cases where multiple occupancies are served by a single meter, the owner or entity contracting for service under that meter shall be responsible for payment of the water provided to that metered structure.

In existing multiple meter installations, no master meter will be allowed unless said master meter is maintained and read by the department of public work staff, and the multiple meters are read by the owners.

- (d) Where a building, originally built as a single building or premises and fitted with one (1) service pipe, but capable of being divided by sale or otherwise, has been or may be hereafter subdivided and each subdivided section of the building shall be separately owned, the separate division so made must be connected to the main by separate service pipes no later than thirty (30) days after such division.
- (e) In cases where water service has been terminated to a premise by an authorized agent or employee of the DPW, only such DPW personnel shall turn the water back on again. Any unauthorized resumption of water service shall be reversed by DPW personnel, and the cost and expense, in personnel time, equipment use and materials of the DPW shall be a charge upon the property, and collectible as a lien upon the property under the provisions of Section 17-349, and under the cost recovery provisions in the Waterford Code of Ordinances (Sections 16-300--16-306).

(CHAPTER 17, ARTICLE V, DIVISION 1, SECTION 17-330 cont.)

- (f) It is a violation of this section for any interference or obstruction with a curb cock, valve or fixture connected with the system, including but not limited to the placing in, on or about it, building materials, rubbish, soil, shrubbery, flowers or other hindrances to easy and free access thereto.

(Comp. Ords. 1986, §§ 26.061--26.066; Ord. of 12-11-1995; Ord. of 2-28-2005; Ord. of 11-26-2007)

Sec. 17-331. Cross connections prohibited--Generally

All cross connections between any type of water supply and municipal water supply are strictly prohibited. In the event a cross connection is discovered the water will be turned off at the curb cock until the cross connection is severed. No direct connection of any type to a sewer line shall be allowed.

(Comp. Ords. 1986, § 26.067)

Sec. 17-332. Water supply cross connection provisions; State regulations adopted

- (a) *Title.* This section shall be known and cited as the "Waterford (Charter) Township Water Supply Cross Connection Ordinance."
- (b) *Purpose.* The purpose of this section shall be:
 - (1) To adopt by reference the water supply cross connection rules of the Michigan Department of Environmental Quality (MDEQ).
 - (2) To provide for inspection of water supply cross connection within the Township;
 - (3) To provide penalties for any and all violations of this section.
- (c) *Adoption by reference.* The Michigan Department of Environment Quality (MDEQ) water supply cross connection rules, as contained in R325.11401 through R325.11407 of the Michigan Administrative Code, are hereby adopted by reference. Copies of these water supply cross connection rules shall be maintained on file at the office of the Township Clerk, and shall be available for public inspection.
- (d) *Inspection.* The Public Works Official is hereby authorized and directed to cause inspections to be made of all properties served by the public water supply system where cross connections with the public water supply system are deemed possible. The frequency of inspections and re-inspections shall be based on potential health hazards and shall be as established by the Public Works Official and approved by the S.E.A.
- (e) *Right of entry for inspection.* DPW employees, and its authorized contractors, shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the Township for the purpose of inspecting the piping system or systems thereof to investigate potential cross connections. The owner, lessees or occupants of any property so served shall, on request, furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal to provide such information or the refusal of access to property, when requested, shall be deemed evidence of the presence of cross connections.
- (f) *Discontinuance of service.* The DPW is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. The water service to such property shall not be restored until any cross connection has been eliminated in compliance with the provisions of this section. The cost and expense to the DPW for investigating, terminating, and/or resuming water service, in personal time, equipment use and materials shall be a charge upon the property, and collectible as a lien upon the property under the provisions of Section 17-349.
- (g) *Protection from contamination.* The potable water supply made available on any property served by the public water supply system of the Township shall be protected from possible contamination in accordance with the provisions of this section, the rules of the MDEQ or

(CHAPTER 17, ARTICLE V, DIVISION 1, SECTION 17-332 cont.)

successor S.E.A., and the State plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system shall be labeled in a conspicuous manner as: Water Unsafe for Drinking.

- (h) To insure backflow prevention assemblies are maintained in proper working order, all such assemblies, as listed in the State plumbing code, shall be tested at the following times:
 - (1) Upon initial installation;
 - (2) Immediately following repairs or relocation;
 - (3) Within a year following installation, repair or relocation, and annually thereafter.

Such testing shall be done in accordance with the MDEQ or successor S.E.A. requirements and the State plumbing code. Only individuals that are approved and State-certified shall be qualified to perform such testing. Such qualified individual(s) shall certify the results of his/her testing. It is the property owner's primary responsibility for arranging and completing the testing of backflow prevention assemblies, including the furnishing of tests results to the DPW upon demand, and paying all expenses in connection therewith.

- (i) *Penalties.* Any persons or customer found guilty of violating any of the provisions of this section, or any written order of the water department, which is issued in pursuance thereof, shall be punished in accordance with Section 1-010(b) of this Code.

(Comp. Ords. 1986, §§ 26.161--26.185; Ord. of 2-28-2005; Ord. of 7-14-2008)

Sec. 17-333. Air conditioning units

Only approved water conserving type air conditioning units will be allowed. An approved water conserving type shall be one:

- (a) Which is equipped with cooling tower, atmospheric condenser, spray pond or other equipment which shall directly or indirectly cool refrigerant.
- (b) Which can use water from the Township water system only for makeup water to replace water lost by evaporation or by flushing of the equipment.
- (c) Which uses an average of less than twelve (12) gallons of water from the Township water system per hour per ton of cooling capacity when the unit is operating.
- (d) Which has no piping connection to allow operation of the air-conditioning unit by direct use of water from the Township water system either in conjunction with or in place of such cooling tower, atmospheric condenser, spray pond or other recirculating and heat-exchanging equipment.

(Comp. Ords. 1986, § 26.068)

Sec. 17-334. Water scarcity regulations

- (a) Whenever the unrestricted use of water from the Township water supply system would, in the opinion of the Township Supervisor, or Supervisor's designee, endanger or be likely to endanger the health or safety of its citizens, the Township Supervisor, or Supervisor's designee, may declare a water usage emergency and impose such restrictions on the use of water from public and private sources as may be reasonably necessary.
- (b) During a period of water usage restriction, the use of water from private wells for purposes other than for drinking and for sanitary purposes is hereby declared to be a matter of public concern, affecting the public health, safety and welfare.
- (c) Whenever in the discretion of the Township Supervisor, or Supervisor's designee, the imposition of lawn sprinkling or surface watering restrictions or bans becomes necessary, and the difficulties of enforcement of such restrictions require it, lawn sprinkling and surface use of water from the Township water supply system and private wells may be restricted or prohibited.
- (d) Regulations imposed hereunder shall be for the purpose of restricting less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting.

(CHAPTER 17, ARTICLE V, DIVISION 1, SECTION 17-335 cont.)

- (e) No declaration as provided in this section shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the Township.
- (f) Any persons violating any of the provisions of a water restriction regulation shall be subject to the following:
 - (1) Upon conviction thereof, by subject to the penalties as provided in Section 1-010 of this Code.
 - (2) Termination of water service to their property turned off by the water department as provided in subsection 17-329(d) and Section 13-351.
 - (3) Liable to re-payment to the DPW for the cost and expense to the DPW for investigating and enforcing this section in personnel time, equipment used and materials, and such cost shall be a charge upon the property and collectible as a lien upon the property under the provisions of Section 17-349, and shall be a debt to the Township from all responsible persons or entities under the cost recovery provisions in this Code (Sections 16-300 to 16-306).
- (g) The Township Board shall have full authority to review and revise any water regulations or declarations issued under this section.

(Comp. Ords. 1986, § 26.069; Ord. of 7-25-1988, § 1.00; Ord. of 2-28-2005)

Sec. 17-335. Fire hydrants

- (a) Fire hydrants are provided for the use of the Fire Department and DPW of the Township or by such persons as may be specifically authorized by the Public Works Official.
- (b) No person shall open or cause to be opened any fire hydrant, without first securing a permit to use a fire hydrant, at the DPW office. A deposit in such amount as established by the Public Works Official from time to time will be required. Such person must report to the Public Works Official when such use is terminated, at which time a hydrant inspection will be made and an inspection charge of such amount as established by the Public Works Official from time to time, the cost of the estimated amount of water used, and the cost of repairing the hydrant, if any, shall be deducted from the deposit and the difference (if any) refunded to the depositor. If the deposit is insufficient to cover such costs, the permit holder shall pay the deficit.
- (c) The Public Works Official must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by Township water.
- (d) No person shall in any manner obstruct or prevent free access to, or place or store temporarily, any object, material, snow, debris, vehicle, or structure of any kind within a distance of twenty (20) feet of any hydrant. Any such obstruction when discovered shall be subject to summary removal at the discretion of the Public Works Official. The cost and expenses thereof in personnel time, equipment used and material shall be debt to the DPW from all responsible persons or entities under the cost recovery provisions of this Code (Sections 16-300 to 16-306).
- (e) Hydrants are located within the road right-of-way or easement and any person desiring to have a hydrant moved to another location shall bear the complete cost of moving such hydrant.

(Comp. Ords. 1986, §§ 26.071--26.075; Ord. of 6-24-1991; Ord. of 2-28-2005; Ord. of 11-26-2007)

Sec. 17-336. Pipes provided for fire protection

Where pipes are provided for fire protection in any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on such pipes shall have not less than twenty-five (25) feet of firehose constantly attached thereto, and no water shall be taken or used through such openings or hose for any purpose other than for extinguishing fires, except for the purpose of testing such fire equipment. In such case the test must be conducted under a special permit and under the supervision of the water department.

(Comp. Ords. 1986, § 26.076)

Sec. 17-337. Quarterly charges

Each premises to or for which a separate unmetered fire line connection is provided for sprinkler or hydrant service shall pay therefor a quarterly charge in such amount as established in accordance with Section 17-001 of this Chapter.

(Comp. Ords. 1986, § 26.077; Ord. of 12-11-1995)

Sec. 17-338. Annual rate charge

Repealed January 9, 2017.

(Comp. Ords. 1986, § 26.078)

Sec. 17-339. Firelines; Standby

All standby firelines shall have an approved detector check installed, which shall have provisions for a five-eighths-inch by three-fourths-inch meter on the bypass. The required meter must be purchased from the water department. No domestic service shall be allowed on a standby fireline.

(Comp. Ords. 1986, § 26.079)

Sec. 17-340. Water meters

- (a) All service connections, except separate fire connections, shall be metered and shall be billed for water at the rate established by the Township Board. In no case will water be supplied, except for temporary use with water department approval, at other than the established water rate.
- (b) The supply pipe and meter, installation charge for which provision is made in subsection 17-329(i) shall include the cost of the water meter assembly furnished by the DPW and the installation thereof, but such meter shall remain the property of the DPW and will at all times remain under its control. The meter couplings or flanges will be furnished by the DPW.

The Township shall have the option, for premises with metered water at the time of adoption of this provision, to install alternate or auxiliary meter-reading devices on the exterior of the structure enabling the water department staff to remotely read the water meter settings, without cost to the user. In the event the owner or occupant of a premises with existing service cannot or will not provide, or allow the placement of such remotely read equipment at a location on the exterior of the structure which allows for reasonable access and accommodation by DPW staff, then the DPW reserves the right assess a charge for an alternate installation, and to assess a reoccurring fee for meter reading each billing cycle, with all the extra expense and cost thereof to be collected from the owner under the provisions of Section 17-349.

The maintenance of the meter will be the obligation of the DPW provided, that where replacements, repairs or adjustments of the meter are made necessary by acts of misuse, neglect, tampering, or damage, including the exposure to cold or hot water, by the owner or occupant of any premises, the cost and expense to the DPW in personnel time, equipment and materials for inspections, investigation, monitoring and the repairs or replacements shall be a charge against the property, and be collectible as a lien upon the property under the provisions of Section 17-349 and shall be a debt to the Township by all responsible persons or entities under the cost recovery provisions (Sections 16-300 to 16-306).

- (c) All meters shall be set in dry, clean, sanitary places, easily accessible within the house or structure, no less than twelve (12) inches from floor level or more than twenty-four (24) inches from floor level, with a minimum of six (6) inches from any wall, twelve (12) inches from top, for reading purposes, to an immovable object, with an approved valve on both sides of the meter, and where a small leak or the spilling of water will not create a hazard or nuisance.

(CHAPTER 17, ARTICLE V, DIVISION I, SECTION 17-340 cont.)

- (d) All services one and one-half-inch and larger shall have a "dresser" type coupling installed on the discharge side of the meter. All services one and one-half-inch and larger shall also have a tee between the meter and outlet valve, to be used for testing the water meter without its removal. The size of the opening of this tee shall be one and one-half inch for one and one-half inch service pipes, two inch for all service pipes up to and including four inch, and three inch for all larger service pipes; the side opening of such tee shall be plugged.
- (e) If a meter fails to function or to register, the consumer will be charged at the average quarterly consumption, as shown by the meter when in order. The accuracy of any meter installed in any premises will be tested by the DPW upon request of the customer, who shall pay in advance a fee of such amount as established by the Public Works Official from time to time to cover the cost of the test. If, on such test, the meter shall be found to register over five (5) percent more water than actually passes through it, another meter will be installed and the testing fee will be refunded to the customer, and the water bill may be adjusted as hereinafter provided.
- (f) It is a violation of this ordinance to interfere with or tamper with a water meter in service, including but not limited to breaking or removing any seal on the by pass valves or meter, or to move a water meter from any service connection, or diverting water around or by passing the meter, or any other acts which disable or render the meter inaccurate.

In the event the Township determines a meter to be damaged, or not properly functioning, through no fault of the DPW or its agents or employees, the meter will be replaced by the DPW at the expense of the owner or occupant of the premises. The cost and expense thereof shall be a charge against the property, and a lien thereon, collectible under Section 17-349, and shall be a debt to the Township by all responsible persons or entities under the cost recovery provisions of the Waterford Code of Ordinances (Article III of Chapter 14).

(Comp. Ords. 1986, §§ 26.081--26.083, 26.085--26.088; Ord. of 6-24-1991; Ord. of 2-28-2005)

Sec. 17-341. Inspection and inspectors

- (a) DPW agents and employees whose duty is to enter upon private premises to make inspection and examination of the pipes, fixtures or attachments used in connection with the water supply will be provided with a badge or such other credentials to identifying them as authorized agents of the DPW. No such person shall be entitled to enter upon any private premises unless such person carries and exhibits such badge or credentials. It is a violation of this code for unauthorized persons to pose as agents or employees of the DPW in an attempt to gain entry to any premise.
- (b) Any agent or employee of the DPW shall, upon the presentation of the badge or other credentials provided for in subsection (a) above, have free access at all reasonable hours to any premises supplied with water for the purpose of making any inspection thereof, including the examination of the entire water supply and plumbing system upon such premises. No person shall refuse to admit any authorized inspector, for any such purpose. In case any authorized employee refused admittance to any premises, or being admitted shall be hindered or prevented in making such examination, the Township Supervisor, or his designate, may order water service terminated from such premises, after giving twenty-four (24) hours' notice to the owner or occupant of such premises.

(Comp. Ords. 1986, §§ 26.091--26.093; Ord. of 2-28-2005)

Sec. 17-342. Water consumption rates

Quarterly water bills shall be computed on the basis of meter size, which charge shall permit quarterly usage of a specified quantity of water without further charge, such charges and quantities to be in such amounts as established in accordance with Section 17-001 of this Chapter.

(Comp. Ords. 1986, § 26.101)

(CHAPTER 17, ARTICLE V, DIVISION I cont.)

Sec. 17-343. Minimum quarterly charge

A minimum quarterly charge shall be made to each premises connected to the system. In the event the service is discontinued, such charge shall not be applicable.

(Comp. Ords. 1986, § 26.102)

Sec. 17-344. Multiple occupancies; minimum quarterly charge

- (a) All applications filed with the department of public works for water service after December 31, 2007 to new commercial development with multiple occupancies shall have one (1) service line and meter for each separate building structure, except in cases of commercial services that require a compound meter.
- (b) All residential developments constructed as attached condominiums of multiple occupancies shall be served by a separate supply pipe, service pipe, and meter to each such dwelling unit or occupancy.
- (c) All residential developments constructed as rental units of multiple occupancies shall be served by one (1) service pipe and meter for each separate building or structure.
- (d) In cases where a landscape sprinkling system is in place, for use of water solely for that purpose, a separate meter may be installed for service on that water line, subject to the rules of the department and the ordinances.
- (e) In cases of premises served by one (1) service line and meter, there shall be a quarterly or other periodic charge of such amount as established by the Township Board from time to time.

(Comp. Ords. 1986, § 26.103; Ord. of 11-26-2007)

Sec. 17-345. Consumption in excess of minimum charge

Should more water be consumed by any premises in a quarter than the quantity permitted for the minimum charge as specified in Section 17-342 then an additional water consumption charge of such amount as established in accordance with Section 17-001 of this Chapter shall be made for all water consumed in excess of those specified quantities.

(Comp. Ords. 1986, § 26.104)

Sec. 17-346. Capital equalization charges

Each premises connecting to any of the Township water mains shall pay a capital equalization charge, in accordance with this division.

(Comp. Ords. 1986, § 26.111)

Sec. 17-347. Method of payment

- (a) Owners or occupants of existing structures requiring water service, upon being directly connected to water mains, shall pay a capital equalization charge computed upon the basis of meter size, in such amounts as established in accordance with Section 17-001 of this Chapter. If the owner elects to pay such charge in full, full payment shall be made prior to issuance of the permit.
 - (1) The owner may elect to defer the payment of such charge over forty (40) quarterly installments and in that event shall pay the required down payment prior to the issuance of the permit. The principal balance shall be payable in thirty-nine (39) quarterly installments plus interest on the unpaid balance at six and five-tenths (6.5) percent compounded annually in accordance with the schedule as adopted by the Township Board. In order to qualify for the deferral and installment payment method, the titleholder, and land contract vendee, if any, shall execute an installment payment agreement and lien form on the premises which shall be recorded with the Oakland County Register of Deeds.

(CHAPTER 17, ARTICLE V, DIVISION 1, SEC. 17-347 cont.)

- (2) Any owner electing the deferred payment plan may, at any regular payment date, prepay additional principal payments in numerical order without interest as indicated on the applicable payment schedule. The complete principal balance may be paid at any time with accumulated monthly interest from the last payment date.
- (b) Premises upon which residential or other water-using buildings or structures are hereafter constructed, upon being directly connected to water mains, shall pay prior to issuance of the permit a capital equalization charge established in accordance with Section 17-001 of this Chapter.
- (c) Premises connected to water mains hereafter financed by land developers or property owners by special assessment or otherwise shall pay, prior to issuance of the permit, a capital equalization charge established in accordance with Section 17-001 of this Chapter.

(Comp. Ords. 1986, §§ 26.112--26.114; Ord. of 12-11-1995; Ord. of 2-28-2005)

Sec. 17-348. Bills; quarterly; delinquent; penalties

Rates and charges shall be billed and collected at least quarterly, as determined by resolution of the Township Board. Failure to receive a bill shall not excuse failure to pay the bill when due. Bills shall be due and payable, without discount, at such time as the Township Board will determine, but not more than thirty (30) days after rendered, and such due date shall be indicated on the face of each bill. If any bill is not paid when due, a penalty of five (5) percent shall be added thereto. If a bill is not paid within thirty (30) days after due date, a shutoff notice may be sent to the premises by certified mail, or by posting on the structure and if the bill is not paid within the time states in the notice (which shall not be more than an additional thirty (30) days) then all water service to the premises may be discontinued.

Before water service is restored, an additional fee and penalty shall be chargeable to the property to reimburse the DPW for costs and expenses in personnel time, equipment used and materials, as determined by the Public Works Official. Such additional fees and costs shall be payable before service is restored.

(Comp. Ords. 1986, § 26.121; Ord. of 6-29-1991; Ord. of 2-28-2005)

Sec. 17-349. Delinquent charges for services, cost recovery; lien on premises; collected on taxes.

Except as provided in Section 17-173(b), all charges for services, fees, cost reimbursement provisions and penalties, as provided for in this chapter shall be a lien on the premises served as set forth herein. Any charges which, on August 15 of each year, have been delinquent for ninety (90) days or more shall be transferred to the next Township tax roll against the premises served, plus a surcharge of ten (10) percent to cover certain administrative expenses of the Township, which sums shall be collected and such lien enforced in the same manner provided in respect to Township taxes assessed on such roll under the general property tax law.

(Comp. Ords. 1986, § 26.122; Ord. of 2-28-2005)

Sec. 17-350. Emergency termination of service

- (a) In the event the DPW determines that, for reasons of system malfunction or other disruption to a portion of the water system, it is necessary to shut off water service to any users of the system to make repairs, or finalize construction, the Public Works Official shall endeavor to furnish prompt and timely notice to all affected users. The department shall attempt to minimize the loss of service necessitated by such events.
- (b) Whenever notice is required to be given hereunder, the same may be given, either by personal service of a notice in writing to the person to be notified; or by sending an employee of the DPW to the premises with a written or printed notice, which shall be served on the person to be notified or in case it is impossible to make such service at that time, the same may be posted in some conspicuous place on the premises; or by enclosing a copy thereof in an envelope with postage

(CHAPTER 17, ARTICLE V, DIVISION 1, SEC. 17-350 cont.)

prepaid, plainly addressed to the person to be notified, at the post office or residence address of such person, as the same appears on the books of the Township, and depositing the same in any United States Post Office; such notice so given shall be conclusively deemed to have been given at the time of such depositing.

- (c) Any person violating any of the provisions of this division, upon conviction thereof, shall be punished as provided in Section 1-010 of this Code.

(Comp. Ords. 1986, §§ 26.131, 26.132, 26.134; Ord. of 6-24-1991; Ord. of 2-28-2005)

Sec. 17-351. Termination of service; bypass or tampering with meter

In addition to the powers granted to the Public Works Official in this chapter, the Public Works Official is empowered to impose additional requirements and conditions, including termination of service, to persons who have repeatedly deliberately by-passed or interfered with the function of the water meter in order to defraud the Township of payment for water.

In such cases where, on more than one (1) occasion within the previous three (3) years, inspections of the water-metering facilities and apparatuses of a premise convincingly demonstrates that the owner or occupant has deliberately bypassed or interfered with the proper function of the meter, the Public Works Official may do one (1) or more of the following:

- (a) Confiscate the meter and replace it at the owner's expense;
- (b) Install a data-logger on the meter, at the owner's expense;
- (c) Require regular, frequent and/or unannounced inspections of the meter and by-pass valves.
- (d) Back-charge the premises on the basis of average usage for the period of time the metered usage was abnormally low.
- (e) Terminate water service to the premises upon fourteen (14) days written notice by first class mail and posting on the property.

In the event any owner or occupant is aggrieved by a termination of service under this section, such person(s) may apply to the Township Clerk, in writing, stating the reasons and grounds therefore, for a hearing before the Township Board. The Board shall set a date for a hearing at a regularly scheduled meeting to determine if water service should be resumed, and under what circumstances. The Board shall request a report and recommendation from the Public Works Official, prior to the hearing. Any action of the Board shall be by vote in open session. Thereafter, the Public Works Official shall resume all authority over the administration of water service to the property. In the event that a service line is to be permanently terminated or disconnected from the public water supply system, the physical termination of the service is to be performed by the DPW. Temporary disconnections shall be performed per the township standard details, and shall be coordinated with the DPW so that DPW staff may witness the termination.

(Ord. of 2-28-2005)

Secs. 17-352--17-365. Reserved.

Division 2. Supply Wells

Sec. 17-366. Maintaining, etc., possible contamination sources

It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained, within a radius of two hundred (200) feet from any of the municipal water wells within the Township from which the Township draws its water supplies, any source of possible contamination or pollution to such wells.

(Comp. Ords. 1986, § 26.151)

Sec. 17-367. Contaminating prohibited

It shall be unlawful for any person to do any act, or to allow to be done any act, that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the Township.

(Comp. Ords. 1986, § 26.152)

(CHAPTER 17, ARTICLE V, DIVISION 2 cont.)

Sec. 17-368. Penalty

Any person violating any of the provisions of this division shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-010 of this Code.

(Comp. Ords. 1986, § 26.153)