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WASTEWATER DISPOSAL
STANDARDS AND REGULATIONS

for the

SOUTHEASTERN OAKLAND COUNTY SEWAGE DISPOSAL SYSTEM,
EVERGREEN-FARMINGTON SEWAGE DISPOSAL SYSTEM,
CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM, and
HURON-ROUGE SEWAGE DISPOSAL SYSTEM

of the

COUNTY OF OAKLAND,

STATE OF MICHIGAN

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PREAMBLE TO REGULATIONS

It is the purpose of these Regulations to protect public health and safety by abating and preventing pollution through the regulation and control of the disposal of sewage and the quantity and quality of wastes admitted to be discharged into the wastewater collection and treatment system of the County of Oakland, the Oakland County Department of Public Works, and the Oakland County Drain Commissioner.

It is the further purpose of these Regulations to enable the County of Oakland and the governmental authorities with which it has contracted to provide a public sewage disposal system for properties within the County to comply with the requirements of applicable state and federal laws, including the Federal Water Pollution Control Act of 1972, as amended; the State of Michigan Act No. 245 of 1929, as amended; the Federal District Court Consent Judgment and Settlement Agreement, United States District Court, Eastern District of Michigan, Southern Division, C.A. No. 77-1100; and the applicable rules and regulations pertaining to said Acts; and the requirements of applicable National Pollutant Discharge Elimination System Permits. Further, these Regulations are intended to enable the County of Oakland to comply with State of Michigan Act No. 185 of Public Acts of 1957.

Said regulations shall govern the design, construction and use of wastewater facilities under the jurisdiction of the County of Oakland, enumerating the permit requirements for tapping into County wastewater facilities, for altering existing County wastewater facilities, for pumping stations and for industrial connections to public sewers; and the authority of the County's inspectors or authorized agents in the County of Oakland, State of Michigan; and to provide a uniform policy for rates for wastewater disposal service.

AUTHORITY

By virtue of the obligations and authority placed upon the County of Oakland and the City of Detroit by the Federal Water Pollution Control Act; the Constitution of the State of Michigan; the State of Michigan Act No. 245 of the Public Acts of 1929, as amended; National Pollutant Discharge Elimination System Permit for the City of Detroit Publicly-Owned Treatment Works; the Federal District Court Consent Judgment pertaining to *U.S. EPA v City of Detroit, et al*, C.A. No. 77-1100, as amended; the Urban Cooperation Act of 1967, as amended; Public

Act No. 35 of 1951, as amended; and existing or future contracts between the County of Oakland, the Oakland County Department of Public Works, the Oakland County Drain Commissioner, and the Board of Water Commissioners of the City of Detroit, or by virtue of common law usage of the system, these Regulations shall apply to every municipality and every property and property owner which is a source of sewage and/or which contributes or causes to be contributed pollutants or wastewater to the Evergreen-Farmington Sewage Disposal System and/or the Clinton-Oakland Sewage Disposal System and/or the Huron-Rouge Sewage Disposal System and/or the Southeastern Oakland County Sewage Disposal System and/or the City of Detroit Publicly-Owned Treatment Works.

ARTICLE I

DEFINITIONS

When used in these Regulations, the following terms shall have the meanings described in this Section unless the context specifically indicates a different meaning:

"Act" or "the Act" shall mean the Federal Water Pollution Control Act, P.L. 92-500, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

"Approval Authority" shall mean the Michigan Department of Natural Resources or the Environmental Protection Agency.

"As Built Plans" shall mean 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" shall refer to (a) a corporate officer, if the industrial user is a corporation; (2) a general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated in either of the above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates or is the identified corporation, partnership, or proprietorship representative for responding to discharge inquiries or actions.

"Biochemical Oxygen Demand (BOD)" shall mean the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at 20° Centigrade expressed in terms of weight and concentration [milligrams per liter (mg/l)] as measured by standard methods.

"Board" shall mean the Board of Water Commissioners of the City of Detroit.

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

"Building Sewer" shall mean 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.

"Categorical Standards" shall mean the National Categorical Pretreatment Standards or a pretreatment standard as promulgated under authority of the Act, 40 CFR 403.

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

"Chlorine Demand" shall mean 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" shall mean a sewer receiving both surface runoff and sewage.

"Compatible Pollutant" shall mean BOD (biochemical oxygen demand), FOG (fats, oils or grease), phosphorus, suspended solids, and fecal coliform bacteria, plus other pollutants which do not exceed the Control Authority's interference or pass-through limitations or the limitations of these Regulations.

"Composite Sample" shall mean a series of grab samples of equal volume taken over a specified time period with no regard to the flow in the wastestream which are combined into one (1) sample.

"Consent Judgment" shall mean the judgment issued by Federal District Court on September 14, 1977, *U.S. EPA v City of Detroit, et al*, C.A. No. 77-1100, as amended.

"Control Authority" shall mean the Detroit Water and Sewerage Department (DWSD) which has been officially designated as such by the state under the provisions of 40

CFR 403.12 or authorized representatives or employees of the DWSB.

"Control Manhole" shall mean 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.

"County" shall mean the County of Oakland, State of Michigan, or its authorized representative(s).

"County Agency" shall mean the Oakland County Drain Commissioner or the Oakland County Department of Public Works.

"Cooling Water" shall mean the non-contact water discharged from any use such as air conditioning, cooling, or refrigeration to which the only pollutant added is heat.

"Critical Materials" shall mean the organic and inorganic substances, elements or compounds, listed in the register compiled by the Water Resources Commission of the Department of Natural Resources of the State of Michigan.

"Days" shall mean, for purposes of computing a period of time prescribed or allowed by these Regulations, consecutive calendar days.

"Direct Discharge" shall mean the discharge of treated or untreated wastewater directly into the waters of the State of Michigan.

"Director" shall mean the Director of the Detroit Department of Water and Sewerage or the Director's deputy.

"Domestic User" shall mean a person who contributes, causes or permits wastewater to be discharged into the publicly-owned treatment works from a place of domicile for one (1) or more persons, including, but not limited to, single-family houses, apartment buildings, condominiums, townhouses and mobile homes. It shall also mean churches, schools and government office buildings.

"Dwelling" shall mean any structure designed for year-round habitation including, but not limited to, houses, mobile homes, apartment buildings, condominiums and townhouses.

"Environmental Protection Agency" or "EPA" shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other authorized official of said federal agency.

"Fats, Oil, or Grease (FOG)" shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other non-volatile material of animal, vegetable, or mineral origin that is extractable by solvent in accordance with standard methods.

"Federal Grant" shall mean a grant made or to be made for the construction of wastewater collection, transportation, and/or treatment works provided under the Act, P.L. 92-500, as amended.

"Flow Proportional Sample" shall mean a composite sample taken with regard to the flow rate of the wastestream.

"Footing Drain" shall mean a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

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

"Properly Shredded Garbage" shall mean the waste from the preparation, cooking and dispensing of foods that have 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 (1/2) inch (1.27 centimeters) in any dimension.

"General Specifications" shall mean the current edition of standard material and construction requirements of the County of Oakland.

"Grab Sample" shall mean a sample which is taken from a wastestream on a one-time (1) basis without regard to the variations in flow rate, but which shall reasonably reflect the characteristics of the wastestream at the time of sampling.

"Ground Water" shall mean subsurface water occupying the saturation zone, from which wells and springs are fed.

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

"Incompatible Pollutants" shall mean any pollutant which is not a compatible pollutant.

"Indirect Discharge" shall mean the discharge or the introduction of pollutants from any non-domestic source, regulated under Section 307(b), (c), or (d) of the Act (33 U.S.C. 1317), into the publicly-owned treatment works.

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

"Industrial Waste" shall mean the discharge into the publicly-owned treatment works of any liquid, solid, or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources.

"Infiltration" shall mean 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" shall mean the total quantity of water from both infiltration and inflow.

"Inflow" shall mean 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" shall mean a discharge by a user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the publicly-owned treatment works or its treatment processes or operations, or its sludge processes, use or disposal, and which causes a violation of any requirement of the publicly-owned treatment works' NPDES Permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal by the publicly-owned treatment works in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

"Laboratory Determination" shall mean 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 Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to federal or state law.

"Lateral Line" shall mean 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" shall mean a prefix denoting jurisdiction by a sub-county governmental subdivision.

"Municipality" shall mean any municipal corporation or political subdivision or any governmental agency which contracts with the County of Oakland for the transportation of treatment of wastewater.

"National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific class or category of industrial users.

"National Pollution Discharge Elimination System (NPDES) Permit" shall mean a permit issued to a publicly-owned treatment works pursuant to Section 402 of the Act (33 U.S.C. 1342).

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

"New Source" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of the proposed National Categorical Pretreatment Standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section.

"Normal Domestic Strength Sewage" or "Normal Domestic Strength Wastewater" shall mean a sewage or other wastewater effluent which shall be a compatible pollutant with BOD of 275 milligrams per liter or less, suspended solids of 350 milligrams per liter or less, total phosphorus of 12 milligrams per liter or less, and fats, oil, and greases of 100 milligrams per liter or less.

"Obstruction" shall mean 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)" shall mean 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" shall mean the owners of record of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

"Pass-Through" shall mean the discharge of pollutants through the publicly-owned treatment works into navigable waters in quantities or concentrations which, alone or conjunction with discharges from other sources, is a cause of violation of any requirement of the publicly-owned treatment works' NPDES Permit (including an increase in the magnitude or duration of a violation).

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

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

"Pollutant" shall mean any substance or energy added or introduced into the user's water source.

"Pollution" shall mean the human made or human induced degradation or impairment of the chemical, physical, biological or radiological integrity of water.

"Pretreatment" shall mean 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 publicly-owned treatment works. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, state or local law, rules and regulations.

"Pretreatment Requirements" shall mean any substantive or procedural requirements related to pretreatment other than a national categorical pretreatment standard imposed on an industrial user.

"Private" shall mean a prefix denoting jurisdiction by a non-governmental entity.

"Public" shall mean a prefix denoting jurisdiction by any governmental subdivision or agency.

"Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

"Publicly-Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the City of Detroit. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of these Regulations, "Publicly-Owned Treatment Works" or "POTW" shall also include any sewers under the jurisdiction of a municipality and/or the County of Oakland.

"Publicly-Owned Treatment Plant" or "POTW Treatment Plant" shall mean that portion of the publicly-owned treatment works designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

"Replacement" shall mean 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" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

"Service Area" shall mean any area whose wastewater is received by a municipality or the County of Oakland for the transmission for treatment by the City of Detroit DWSD.

"Sewage" or "Wastewater" shall mean spent water which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions, or other land uses, including drainage water and ground water inadvertently present in said waste.

"Sewage Treatment Plant" or "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

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

- (a) "Building Sewer" - in plumbing, the extension from the building drain to the public sewer or other place of disposal. Also called house connection.
- (b) "Combined Sewer" - a sewer intending to receive both wastewater and storm or surface or drainage water.
- (c) "Common Sewer" - a sewer in which all owners of abutting properties have equal rights.
- (d) "County Sewer" - a public sewer controlled by the County agency.
- (e) "Intercepting Sewer" - a sewer that received dry-weather flow from a number of transverse sewers or outlets and frequently additional predetermined quantities of storm water (if from a combined system) and conducts such waters to a point for treatment or disposal.
- (f) "Lateral Sewer" - a sewer which is designed to receive a building sewer.
- (g) "Municipal Sewer" - a public sewer exclusive of a County sewer or City of Detroit sewer.
- (h) "Public Sewer" - a common sewer controlled by a governmental agency or public utility.
- (i) "Sanitary Sewer" - a sewer that carries liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters and drainage water and are not admitted intentionally.
- (j) "Storm Sewer" - a sewer that carries storm water and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastewater. Also called a storm drain.
- (k) "Trunk Sewer" or Trunk Line" - a sewer which connects the lateral sewer to the intercepting

sewer and to which building sewers may be connected.

"Sewer Service Charge" shall mean the sum of the applicable user charge, surcharges and debt service charges.

"Shall" is mandatory; "May" is permissive.

"Significant Users" shall mean any industrial user of the POTW as defined herein who (i) has a discharge flow of 50,000 gallons or more per average workday, exclusive of storm water and sanitary wastewater; or (ii) has discharges subject to the National Categorical Pretreatment Standards; or (iii) requires pretreatment to comply with the specific pollutant limitations of these Regulations; or (iv) has, in its discharge, toxic pollutants as defined pursuant to Section 307 of the Act, or other applicable federal and state laws and regulations which are in concentrations and volumes that are subject to regulation under these Regulations as determined by the control authorities; or (v) is required to obtain a permit for the pretreatment, storage, or disposal of hazardous waste pursuant to regulations adopted by the state or adopted under the Federal Solid Waste Disposal Act, as amended, by the Federal Resource Conservation and Recovery Act and any amendments thereto and who may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or (vi) is found by the Control Authority to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

"Slug" shall mean any pollutant released in a discharge at a flow rate and/or concentration which will cause interference or pass-through at the POTW as determined by the Control Authority.

"Standard Industrial Classification (SIC)" shall refer to a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

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

"State" shall mean the State of Michigan.

"Storm Water" shall mean the water running off from the surface of a drainage area during and immediately after a period of rain.

"Surface Water" shall mean:

- (a) All water on the surface as distinguished from ground water or subterranean water.
- (b) 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.

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

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

"Toxic Pollutant" shall mean any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provisions of Section 307(a) of the Clean Water Act, 33 U.S.C. 1317, or included in the critical materials register promulgated by the Michigan Department of Natural Resources, or other federal or state laws, rules or regulations.

"Uncontaminated Industrial Waste" or "Unpolluted Industrial Process Water" shall mean industrial process water or cooling water which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added, and which is completely compatible with applicable stream standards, excepting thermal limitations.

"Upset" or "Upset Condition" shall mean an exceptional incident in which there is an unintentional or temporary non-compliance with limits imposed under these Regulations or with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial

user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

"User" shall mean any person who contributes, causes or permits the discharge of wastewater into the publicly-owned treatment works as defined herein.

"User Charge" shall mean a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to Section 204(b) of P.L. 92-500 and includes the cost of replacement.

"Wastewater" shall mean the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which are contributed to or permitted to enter the publicly-owned treatment works. Wastewater may also contain infiltration and inflow waters and cooling water.

"Wastewater Facilities" shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial waste, and dispose of the effluent.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Waters of the State" shall refer to all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

"Wastewater Discharge Permits" shall mean permits issued by the Control Authority or its designated representative as set forth in Article VI of these Regulations.

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- (a) BOD - Biochemical Oxygen Demand
- (b) CFR - Code of Federal Regulations

- (c) COD - Chemical Oxygen Demand
- (d) DWSD - Detroit Water and Sewerage Department
- (e) EPA - Environmental Protection Agency
- (f) FOG - Fats, Oil or Grease
- (g) l - liter
- (h) MDNR - Michigan Department of Natural Resources
- (i) mg - milligrams
- (j) mg/l - milligrams per liter
- (k) NPDES - National Pollutant Discharge Elimination System
- (l) P - Phosphorus
- (m) POTW - Publicly-Owned Treatment Works
- (n) RCRA - Resource Conservation and Recovery Act
- (o) SIC - Standard Industrial Classification
- (p) SICM - Standard Industrial Classification Manual
- (q) SS - Suspended Solids
- (r) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, *et seq*
- (s) O&M - Operation and Maintenance
- (t) TSS - Total Suspended Solid
- (u) USC - United States Code
- (v) CWA - Clean Water Act

ARTICLE II

OAKLAND COUNTY DEPARTMENT OF PUBLIC WORKS COUNTY OF OAKLAND SEWAGE DISPOSAL SYSTEMS

GENERAL REGULATIONS

All sanitary sewer systems connected directly or indirectly into the intercepting sewer or sewers of the Oakland County Department of Public Works shall meet the following requirements:

Section 1. Plans, Permits and Bonds.

- A. Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the Oakland County Department of Public Works.
- B. A connection permit shall be obtained by the owner or contractor from the Oakland County Department of Public Works. Said connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, and any other pertinent information as shall be determined necessary by the Department of Public Works. A fee shall be charged for said permit to cover the cost of inspection of each connection, and to verify the result of the acceptance test. The permit fee shall be One Hundred Fifty Dollars (\$150.00) for each connection plus Fifteen Dollars (\$15.00) for each new manhole constructed.

Inspection requested during other than normal working hours shall be performed only if deemed necessary by the Oakland County Department of Public Works. The fee for such inspection shall be Two Hundred Fifty Dollars (\$250.00) per day minimum, in addition to the normal connection permit fee.

- C. Individual building sewers which are directly connected into the County sanitary sewer system shall conform to all applicable requirements of these Regulations. A connection permit, for which a charge of Fifty Dollars (\$50.00) will be made by the Oakland County Department of Public Works, shall be obtained

from the Department of Public Works before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the local unit of government. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the Department of Public Works.

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

- D. Prior to the adjustment, reconstruction, relocation or any other altering of the sewers of the County of Oakland, including manhole structures, the contractor or the person responsible for the work shall first obtain a permit to do such work from the Oakland County Department of Public Works. Said permit fee shall be determined by the Department of Public Works.
- E. Prior to construction and during the life of permits obtained in accordance with Paragraphs 1(B), 1(C) and 1(D) of these general Regulations, all owners or contractors shall: (1) yearly furnish to the Oakland County Department of Public Works a satisfactory surety bond in the amount of Five Thousand Dollars (\$5,000.00) as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards, and (2) yearly furnish to the Oakland County Department of Public Works a cash deposit in the amount of Five Hundred Dollars (\$500.00). Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the Oakland County Department of Public Works, arising as a result of construction by the owner or contractor. Such bonds shall not be cancelled by the owner, the contractor or the surety without first having given ten (10) days' written notice to the Oakland County Department of Public Works. Cash deposits may be returned to the owner or contractor within ten (10) days of receipt of written request 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 Oakland County Department of Public Works to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

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

Section 2. Bulkhead.

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

Section 3. Acceptance Test.

All sanitary sewer systems shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Oakland County Department of Public Works and prior to removal of the bulkhead as required in Paragraph (2).

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

A. Infiltration Test.

All sewers over twenty-four (24) inch diameter shall be subjected to infiltration tests. All sewers of twenty-four (24) 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 (24) 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:

The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of three and one-half (3-1/2) inches and a range of 0-10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ± 0.04 PSIG.

The sewer shall be pressurized to four (4) PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize between three and 5/10 (3.5) and four (4) PSIG. If necessary, air shall be added to the sewer to maintain a pressure of three and 5/10 (3.5) PSIG or greater.

After the stabilization period, the air supply control valve shall be closed so that no more air will enter the sewer. The sewer air pressure shall be noted and timing for the test begun. The test shall not begin if the air pressure is less than three and 5/10 (3.5) PSIG, or such other pressure as is necessary to compensate for ground water level.

The time required for the air pressure to decrease one and 0/10 (1.0) PSIG during the test shall not be less than the time shown in the "Oakland County Department of Public Works Air Test Tables."

Manholes on sewers to be subjected to air tests shall be equipped with a one-half (1/2) 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 ground water elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic

tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the ground water elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.

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.

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

Section 4. Storm and Ground Water Control.

- A. Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or ground water shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the County System, except as provided under Paragraph 4(B).
- B. Perimeter and footing drains from buildings existing before December 16, 1968 shall not be required to disconnect from the sanitary sewer system, provided that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of 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 Oakland County Department of Public Works. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

Section 5. Building Sewers.

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

- A. Six (6) inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with DPW approved premium joint, or
- B. Six (6) inch diameter Class 2400 Asbestos Cement Pipe with Ring-Tite, Fluid-Tite or DPW approved joint, or
- C. Six (6) inch diameter, service strength, cast iron soil pipe with hot poured lead joint, or DPW approved equal, or
- D. Six (6) 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.
- E. Other pipe and joints as may be approved by the Oakland County Department of Public Works.

Copies of the Oakland County D.P.W. approved joint shall be on file at the offices of each community in the systems.

House connection sewers shall be six (6) inch minimum diameter, except that four (4) inch pipe of comparable strength and joint material may be used if permitted by the local unit of government. All joints shall be tight and when tested for infiltration, or exfiltration, shall not exceed the requirements of Paragraph (3) of these Regulations.

Section 6. Septic Tank Abandonment and Waste Disposal.

- A. Prior to connecting an individual building sewer to the sewers of the County of Oakland, either directly or indirectly, all exiting 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 Oakland County Department of Public Works, and only after obtaining proper septic tank dumping tickets.
- C. The liquid and solids from an abandoned septic tank shall not be drained, dewatered, pumped or in any other manner discharged to the sewers of the County, except as provided for above.

Section 7. Ownership, Operations and Maintenance Responsibility.

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

Section 8. 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 Oakland County Department of Public Works.

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

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

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

- B. All manholes shall be provided with "Bolted Waterproof Covers" in accordance with the current "Standard Manhole Detail" of the Oakland County Department of Public Works.

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

Section 9. As-Built Plans.

Prior to the acceptance of any sewer system and prior to the removal of the bulkhead as required in Paragraph 2 (except under extenuating circumstances as may be approved by the Director) as-built plans shall be provided the Oakland County Department of Public Works. Said as-built plans shall show a statement by a registered engineer or surveyor certifying this

to be "as-built plans" and shall include, but not be limited to length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, and sewer material and joints used.

Section 10.

All combined sewer systems connected directly or indirectly to the intercepting sewer or sewers of the County of Oakland shall meet the following requirements:

- A. Paragraphs (1), (2), (5), (6), (7), (8) and (9) are required for sanitary sewer system connecting to interceptor sewers of the County of Oakland as hereinbefore mentioned.
- B. Prior to acceptance of the system and prior to removal of the bulkhead as required under Paragraph (9) of these general regulations, all combined sewer systems shall be subjected to an infiltration test in accordance with the infiltration requirements of the Oakland County Department of Public Works as outlined in Paragraph (3) of these general Regulations. Said test shall be witnessed by the Oakland County Department of Public Works.
- C. Downspouts and footing drain tile may be connected to a combined sewer if permitted by the local unit of government.
- D. No requirements of the Oakland County Department of Public Works, or permits issued hereunder by said department shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein such property is located, when such rules and regulations are not in conflict with the requirements of the Department of Public Works.
- E. All sewer construction shall comply with the "General Specifications" of the Oakland County Department of Public Works. Copies of said specifications may be obtained from the Office of the Department of Public Works.
- F. Construction of new combined sewer systems shall be prohibited except when no prudent or feasible alternative exists.

ARTICLE III

OAKLAND COUNTY DRAIN COMMISSIONER SEWAGE DISPOSAL SYSTEM

GENERAL REGULATIONS

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.

Section 1. General.

- A. Each municipality is requested to furnish an up-to-date plan of its sewerage system. Plan should include the location, size and direction of flow in all existing sewers. Sewers should be identified as separated or combined. Pumping stations, flow regulation and diversion structure should be shown.
- B. Plans for laterals shall be submitted in the name of the municipality by the municipal officials or a firm of consulting engineers officially authorized to do so. Generally, this authority will be vested in the City engineer or a single firm of consulting engineers retained as the City 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 Oakland County Drain Commissioner's Office and the Water Quality Division of the Michigan Department of Natural Resources (formerly known as the Michigan Health Department) shall be addressed to the Oakland County Drain Commissioner and be accompanied by a minimum of five (5) sets of plans. Upon approval of the plans, the Drain Commissioner's Office will retain one (1) set and forward the remaining sets to the Michigan Department of Natural Resources along with a letter requesting their approval. Copies of this letter will be sent to the applicant municipality and the consulting engineer. The Michigan Department of Natural Resources, upon their approval of the plans, will return at least three (3) sets of approved plans

bearing the construction permit number to the applicant municipality. The applicant municipality will keep one (1) set, send one (1) set to the Oakland County Drain Commissioner and send one (1) set to the consulting engineer. In the event that the applicant municipality or consulting engineer require an extra set of approved plans, additional sets shall be included with the initial request for approval.

D. Plan Detail:

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

- (a) General location plan which shows the relationship to existing sewerage facilities, including outlet sewer interceptors, pumping stations, etc.
- (b) Detail plan and profile drawings along with criteria of hydraulic design (storm frequency, line capacity, line velocities, tributary areas, etc.).
- (c) Material and construction standards, regular and special.
- (d) Desirable scale and size for plan and profile drawings are:
 - (1) Horizontal Scale: 1" = 100', 1" = 50'
 - (2) Vertical Scale: 1" = 10', 1" = 5'
 - (3) Plan Size: 24" x 36"

Section 2. Regulations Governing Connections in Combined Sewer Areas (Including Twelve Towns Relief Drains and County Combined Drains Tributary Thereto).

- A. A connection permit must be obtained prior to connection from the Oakland County Drain Commissioner's Office, No. 1 Public Works Drive, Pontiac, Michigan (858-0958). A legal description of the property to be served by the connection is required.
- B. The fee as determined by the Drain Commissioner for connection permits shall be One Hundred Fifty Dollars (\$150.00) which is to cover the cost of the inspection of the tap.
- C. The connection to the County drain will be made under the supervision of an inspector from the Drain Commissioner's Office in accordance with approved plans of said connection.

- D. A minimum of twenty-four (24) hours' notice (excluding Saturday, Sunday, and holidays) must be given prior to tap to enable this office to arrange for inspection.
- E. Requests for inspection shall be directed to the technician charged with the responsibility of permit issuance (858-0978).
- F. All lines connected to County drains shall be clean (free from silt, dirt, debris, etc.).
- G. Yard drains, catchbasins, downspouts, weep tile, perimeter drains or other structures used for the collection and conveyance of storm water will be permitted to outlet into the County combined drains, provided said properties lie within said combined drainage district.
- H. The contractor, during the construction of a lateral, shall install a suitable bulkhead to prevent sand, silt, dirt or other debris from entering the County drain. Upon work completion and removal of any debris that may have collected, the contractor shall contact the Inspection Office for permission to remove the bulkhead.
- I. A connection from any industrial plant or facility using chemical processes shall be provided with a readily available sampling point (manhole or equivalent).
- J. All wastes discharged into County drains shall meet the standards as specified in the current Detroit ordinance governing domestic and industrial wastes.

Section 3. Regulations to Prevent the Discharge of Storm and Ground Water Into the Southeastern System From Those Areas Lying Outside the Designated Combined Sewer Area.

- A. All sanitary sewer systems* (lying in these areas of the S.O.C.S.D.S. district, designated as separated) to be connected directly or indirectly into the intercepting sewer or sewers of the S.O.C.S.D.S. prior to connection shall meet the following requirements:
 - (a) A connection permit shall be obtained by the owner or contractor from the Oakland County Drain

*System defined as a lateral having two (2) or more connections. A construction permit from the Michigan State Department of Natural Resources is required for a sewer system.

Commissioner's Office. Said 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 Oakland County Drain Commissioner. A fee shall be charged for said permit to cover the cost of inspection of the connection and system connected.

- (b) 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 Oakland County Drain Commissioner's Office.

Infiltration Test.

All sewers over twenty-four (24) inch diameter shall be subjected to infiltration tests. All sewers of twenty-four (24) 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.

Air Test or Exfiltration Test.

All sewers of twenty-four (24) 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:

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.

The sewer shall be pressurized to 4 PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize between 3.5 and 4 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.

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 ground water level.

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

Manholes on sewers to be subjected to air tests shall be equipped with a one-half (1/2) 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 ground water elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the ground water elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.

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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.

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

B. Storm and Ground Water Control.

- (a) Yard drains, patio drains, catchbasins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or ground water shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the County system, except as provided below:
- (b) Perimeter and footing drains from buildings existing before July 23, 1981 shall not be required to disconnect from the sanitary sewer system, provided that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of 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 Oakland County Drain Commissioner'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 roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

C. Building Sewers.

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

- (a) Six (6) inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with Drain Commissioner approved premium joint, or
- (b) Six (6) inch diameter ABS Plastic Solid Wall Sewer Pipe conforming to ASTM designation D-2751 SDR 35 or 23.5, or

- (c) Six (6) inch diameter PVC Plastic Solid Wall Sewer Pipe conforming to ASTM designation ASTM D-3034 SDR 35 or ASTM D-2665 Schedule 40.
- (d) Other pipes and joints as may be approved by the Oakland County Drain Commissioner.

House connection sewers should be six (6) inch minimum diameter; however, four (4) 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.

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.

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

- D. The S.O.C.S.D.S., through their agent, the Drain Commissioner, shall, at his option, be permitted to set up and operate flow metering equipment to gauge sanitary flow, either on a temporary or permanent basis, in any sanitary sewer lying within the said "separated areas."
- E. Plans and specifications covering the construction of all new sewers, both combined and sanitary (separate), lying within the S.O.C.S.D.S. service area shall be submitted to the office of the Oakland County Drain Commissioner for review and approval prior to construction.
- F. The quality of domestic and industrial waste outletted into the S.O.C.S.D.S. facilities shall conform to the current City of Detroit ordinance pertinent to domestic and industrial wastes. It is the contractual obligation of the municipality, reference Section 16 of contract with County, to use S.O.C.S.D.S. facilities, to enforce these standards.
- G. No requirements of the S.O.C.S.D.S. or permits issued hereunder by said system through their agent, the Oakland County Drain Commissioner, 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 S.O.C.S.D.S.

- H. All sewer construction shall comply with the general specifications of the Oakland County Drain Commissioner; copies of said specifications may be obtained from the Office of the Drain Commissioner.

ARTICLE IV

METHODOLOGY USED TO DETERMINE WASTEWATER DISPOSAL SERVICE CHARGES ALL SYSTEMS

The Regulations contained in this Article are intended to establish the basis of payment and billing procedures for wastewater disposal services provided by the County of Oakland for the operation, maintenance and replacement of the system and to provide for additional charges for excessive flow volumes or unusual waste concentrations. The rates for wastewater disposal shall be established by the County Agency. Rates so established will be reviewed as required by existing statutes, agreements and/or regulations, but shall be reviewed at least annually.

Section 1. Clinton-Oakland Sewage Disposal System.

A. Wastewater Disposal Report.

Each community shall report within fifteen (15) days following the end of each calendar quarter the total number of units connected in their community to the Clinton-Oakland Sewage Disposal System in accordance with the current Oakland County Department of Public Works Schedule of Unit Assignment Factors. For new uses not listed as part of said schedule, the County shall establish the unit assignment.

Each community shall report quarterly the total metered water consumption, where it is available, for users other than residential that are connected to the Clinton-Oakland Sewage Disposal System.

B. Wastewater Disposal Charge. Residential Connections.

Based on the reported number of connected residential units (including but not limited to single family, multiple, mobile homes), each community shall pay a flat rate charge per unit per quarter as established from time to time by the County Agency.

Units shall be as determined by the current Oakland County Unit Assignment Schedule, with a minimum assignment of one (1) unit for each connection.

Commercial, Industrial, Institutional and Other Connections.

- (a) Where metered water consumption is available for users other than residential, each community shall pay quarterly a rate per one thousand (1,000) C.F. of reported metered water consumption.
- (b) Where metered water consumption is not available, for users other than residential, each community shall pay quarterly a flat rate charge per unit as determined by the above-mentioned Oakland County Unit Assignment Schedule, with a minimum assignment of one (1) unit for each connection.

Metered Sewage Connections.

Where communities have individual sewer customers with metered sewage, permitted and approved in accordance with the provisions of Article V of these Regulations, then each community shall also report within fifteen (15) days following the end of each calendar quarter the total metered sewage within the community, in lieu of connected units or water consumption.

Based on the quarterly report, each community shall pay a charge per one thousand (1,000) cubic feet of metered sewage, as established from time to time by the County. The rate for sewage disposal based on the metered sewage method shall be one hundred ten (110) percent of the rate established for the water meter method.

C. Penalty.

If any community, either totally or in part, demonstrates a peak flow that exceeds 0.4 CFS per equivalent one thousand (1,000) connected population or an average annual flow that exceeds sixteen thousand (16,000) CF per unit for more than three (3) months without making necessary corrections, then the County shall cause the corrections to be made to the system and charge the community for all expenses. The said sewage disposal service charge, including penalty, if any, shall be payable quarterly. If any municipality does not pay its service charge on the date when the same becomes due, then there shall be added to such charge a penalty of one (1) percent for each month or fraction thereof for which the same remains unpaid.

D. High Strength Surcharge.

A High Strength Surcharge shall be levied against industrial users contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

- (a) Two hundred seventy-five (275) milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (b) Three hundred fifty (350) milligrams per liter (mg/l) of Total Suspended Solids (TSS)
- (c) Twelve (12) milligrams per liter (mg/l) of Phosphorus (P)
- (d) One hundred (100) milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

It is assumed that normal domestic customers do not contribute sewage with concentrations of pollutants exceeding the above levels, therefore, the High Strength Surcharge will not apply to domestic customers.

Further, the above "high strength surcharge" shall not apply to restaurants per the Federal Courts "Second Interim Order" dated July 10, 1981.

E. Industrial Waste Control Charge (IWC).

Each community shall report quarterly the total number and size of water meters used by industrial users of the system. Where metered water is not available, then the community shall report quarterly the "Assigned Water Meter Size" of industrial users of the system in accordance with the following schedule:

<u>Units Assigned in Accordance with the Current Oakland County Department of Public Works Schedule of Unit Assignment Factors</u>	<u>Assigned Water Meter Size</u>
1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

Based on the reported number of water meter sizes, actual and assigned, for industrial users of the system, each community shall pay a quarterly

industrial surcharge as established from time to time by the County.

Section 2. Southeastern Oakland County Sewage Disposal System.

A. Sanitary Wastewater Disposal Charge.

- (a) Water consumption information for each city is gathered from three (3) sources - The Detroit Water and Sewer Department, the Southeastern Water Authority, and the individual municipalities. This information consists of meter readings of the various master water meters serving the S.O.C.S.D.S. communities. From these meter readings the water consumption of each municipality is determined. That consumption is the basis for sanitary wastewater disposal charges using rate per one thousand (1,000) cubic feet established from time to time by the Drain Commissioner.
- (b) Where communities have individual sewer customers with metered sewage, permitted and approved in accordance with the provisions of Article V of these Regulations, then each community shall also report within fifteen (15) days following the end of each calendar quarter the total metered sewage within the community, in lieu of water consumption.

Based on the quarterly report, each community shall pay a charge per one thousand (1,000) cubic feet of metered sewage, as established from time to time by the county. The rate for sewage disposal based on the metered sewage method shall be one hundred ten (110) percent of the rate established for the master meter water method.

B. Storm Water Disposal Charge.

The Southeastern Oakland County Sewage Disposal System serves a district of approximately 46,000 acres with approximately 24,400 of those acres being a combined sewer area. During dry weather flow, all sewage is piped to the City of Detroit for treatment. During storm events the district is only allowed to send 260 cubic feet per second to the City of Detroit for treatment. The district maintains the Pollution Control Facility, a treatment and retention facility, to hold excess combined sewage to its capacity during these storm events and later pumps this combined sewage to Detroit for treatment. A storm water charge is imposed on those communities within the district that have combined sewers.

The storm water charge is based upon the total acreage within the community which is served by combined sewers and a runoff coefficient assigned to the land use for that acreage. From these two factors the district has established a percentage of storm water contributed by each community within the district. That percentage is applied to the master meter reading less the water sales billed to determine the volume of storm water to be paid for by each community. The cost of operating and maintaining the Pollution Control Facility added to the charges imposed by the City of Detroit for treatment of the storm water establishes the total cost for storm water treatment to those contributing. Therefore, the storm water disposal charges are determined using a rate per 1000 cubic feet established from time to time by the Drain Commissioner.

C. High Strength Surcharge.

A High Strength Surcharge shall be levied against industrial users contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

- (a) Two hundred seventy-five (275) milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (b) Three hundred fifty (350) milligrams per liter (mg/l) of Total Suspended Solids (TSS)
- (c) Twelve (12) milligrams per liter (mg/l) of Phosphorus (P)
- (d) One hundred (100) milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

It is assumed that normal domestic customers do not contribute sewage with concentrations of pollutants exceeding the above levels, therefore, the High Strength Surcharge will not apply to domestic customers.

Further, the above "High Strength Surcharge" shall not apply to restaurants per the Federal Court's "Second Interim Order" dated July 10, 1981.

D. Industrial Waste Control Charge (IWC).

Each community shall report quarterly the total number and size of water meters used by industrial users of the system. Where metered water is not available, then the community shall report quarterly the

"Assigned Water Meter Size" of industrial users of the system in accordance with the following schedule:

<u>Units Assigned in Accordance with the Current Oakland County Department of Public Works Schedule of Unit Assignment Factors</u>	<u>Assigned Water Meter Size</u>
1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

Based on the reported number of water meter sizes, actual and assigned, for industrial users of the system, each community shall pay a quarterly industrial surcharge as established from time to time by the County.

E. Penalty.

If any municipality does not pay its service charge on the date the same becomes due, then there shall be added to such charge a penalty of one (1) percent for each month or fraction thereof for which the same remains unpaid.

Section 3. Evergreen-Farmington Sewage Disposal System.

A. Wastewater Disposal Charge.

- (a) Each community shall report within ten (10) days following the end of each calendar quarter the total equivalent master metered water consumption in the District served by the System. Where master metered water consumption is not available, individual metered water consumption times 1.108 shall be equivalent to master metered water consumption. Where metered water consumption is not available, then a consumption assigned by the County shall be the equivalent master metered water consumption for each unit assigned to the user in accordance with the current Oakland County Department of Public Works Schedule of Unit Assignment Factors, with a minimum assignment of one (1) unit for each connection.

Based on the quarterly report, each community shall pay a charge per one thousand (1,000) cubic feet of equivalent master metered water

consumption, as established from time to time by the County.

- (b) Where communities have individual sewer customers with metered sewage, permitted and approved in accordance with the provisions of Article V of these regulations, then each community shall also report within ten (10) days following the end of each calendar quarter the total metered sewage within the community. Communities that have metered sewage customers shall deduct the individual metered water consumptions of those customers from their quarterly water consumption report.

Based on the quarterly report, each community shall pay a charge per one thousand (1,000) cubic feet of metered sewage, as established from time to time by the County. The rate for sewage disposal based on the metered sewage method shall be 110% of the rate established for the master meter water method.

B. Storm Water Disposal Charge.

Each community that disposes of storm water to the System in accordance with the provisions of the Evergreen Sewage Disposal System Contract shall pay a charge for disposal of the said storm water, in proportion to the area in the community served by combined sewers in the District and by the recorded duration of the "spill time" at the Acacia and Bloomfield Regulators. Said charge will be as established from time to time by the County.

C. High Strength Surcharge.

A High Strength Surcharge shall be levied against industrial users contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

- (a) Two hundred seventy-five (275) milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (b) Three hundred fifty (350) milligrams per liter (mg/l) of Total Suspended Solids (TSS)
- (c) Twelve (12) milligrams per liter (mg/l) of Phosphorus (P)
- (d) One hundred (100) milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

It is assumed that normal domestic customers do not contribute sewage with concentrations of pollutants exceeding the above levels, therefore, the High Strength Surcharge will not apply to domestic customers.

Further, the above "High Strength Surcharge" shall not apply to restaurants per the federal Court's "Second Interim Order" dated July 10, 1981.

D. Industrial Waste Control Charge (IWC).

Each community shall report quarterly the total number and size of water meters used by industrial users of the system. Where metered water is not available, then the community shall report quarterly the "Assigned Water Meter Size" of industrial users of the system in accordance with the following schedule:

<u>Units Assigned in Accordance with the Current Oakland County Department of Public Works Schedule of Unit Assignment Factors</u>	<u>Assigned Water Meter Size</u>
1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

Based on the reported number of water meter sizes, actual and assigned, for industrial users of the system, each community shall pay a quarterly industrial surcharge as established from time to time by the County.

E. Penalty.

The said sewage disposal service charge shall be payable quarterly. If any municipality does not pay its service charge on the date when the same becomes due, then there shall be added to such charge a penalty of one (1) percent for each month or fraction thereof for which the same remains unpaid.

Section 4. Huron-Rouge Sewage Disposal System.

A. Wastewater Disposal Charge.

Each community shall report within ten (10) days following the end of each calendar quarter the total equivalent master metered water consumption in the

District served by the System. Where master metered water consumption is not available, individual metered water consumption times 1.108 shall be equivalent to master metered water consumption. Where metered water consumption is not available, then a consumption assigned by the County shall be the equivalent master metered water consumption for each unit assigned to the user in accordance with the current Oakland County Department of Public Works Schedule of Unit Assignment Factors, with a minimum assignment of one (1) unit for each connection.

Based on the quarterly report, each community shall pay a charge per one thousand (1,000) cubic feet of equivalent master metered water consumption, as established from time to time by the County.

B. Penalty.

The said sewage disposal service charge shall be payable quarterly. If any municipality does not pay its service charge on the date when the same becomes due, then there shall be added to such charge a penalty of one (1) percent for each month or fraction thereof for which the same remains unpaid.

ARTICLE V

RULES AND REGULATIONS ON SEWAGE METERING

Section 1.

The basic means of determining sewage flow for billing purposes will remain the water meter or unit assignment as provided in Article IV of the Wastewater Regulations of the County of Oakland.

Section 2.

Sewage meters shall be allowed for determining sewage flow for billing purposes in lieu of the water meter or unit assignment upon written application of the customer to the municipality and upon written application of the municipality to the County subject to the following conditions:

- A. The meter must be of a make and model approved by the municipality and the County and the entire installation must also be approved by the municipality and the County:
 - (a) Magnetic meters generally are acceptable.
 - (b) Sonic meters generally are acceptable.
 - (c) Flumes and weirs generally are not acceptable except in cases where they are proven to be the most practical method of measuring wastewater flow.
 - (d) The installation must include a totalizer and a chart recorder.
- B. All costs associated with furnishing and installing the meter, including design, all necessary permits, the meter, construction, installation and inspection shall be borne by the customer. The municipality and the County shall review plans submitted prior to installation and shall have the rights to inspect the overall construction and installation. However, separate permits and separate inspections for certain parts of the work, such as plumbing and electrical, may be necessary from other municipal agencies, and it will be the customer's responsibility to obtain these

as necessary and to satisfy the County that these requirements have been complied with. The meter as installed shall remain the property of the customer.

- C. All costs associated with the operation of the meter, including power, light and recorder, and meter pit and site maintenance, shall be borne by the customer. The municipality and the County shall have access to the meter.
- D. The municipality shall maintain all meters in service, making such periodic tests and repairs as are necessary to insure correct registration. The cost of meter reading and billing meter maintenance, meter repair and meter replacement, when necessary as determined by the municipality and/or the County, shall be borne by the customer.

Section 3.

Subject to the provisions of Paragraph 4 below, deduct water meters, special internal meters, calculations, estimates, etc., will not be acceptable as adjustments to metered water as a basis for billing for sewage disposal.

Section 4.

In cases where there is a malfunction in the metering system used for the determination of the sewage flow for billing purposes for a particular customer, the wastewater flow for the period of malfunction shall be computed by using prior historical sewage flow records of the customer acceptable to the municipality and the County.

Section 5.

If a sewage meter is allowed for determining sewage flow for billing purposes, the County and/or the municipality may establish a sewage disposal rate that considers the cost of disposing of inflow/infiltration into the system. Said sewage disposal rate based on a sewage meter shall be one hundred ten (110) percent of the rate established from time to time for sewage disposal charges based on metered water.

ARTICLE VI

GENERAL WASTEWATER DISPOSAL REGULATIONS

Section 1. Use of Public Sewers.

A. Delegation of Authority.

The City of Detroit Water and Sewerage Department, as the State-approved Control Authority, is hereby authorized to act as agent of the County of Oakland for the administration and enforcement of this Article of these Regulations.

B. Discharge Prohibitions.

(a) No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general Discharge Prohibitions apply to such users as the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. In addition, industrial users shall not contribute the following substances to the publicly-owned treatment works:

(1) Any liquid, solid or gas which, by reason of its nature or quantity, is sufficient, either alone or by interactions with other substances, to cause fire or explosion or be injurious in any other way to persons, the POTW, or the operation of the POTW.

(2) Any solid or viscous substance, in concentrations or quantities which are sufficient to cause obstruction to the flow in a sewer or other encumbrance to the operation of the POTW, such as but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent

grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or refining of fuel or lubricating oil, mud or glass grinding or polishing wastes, tumbling stones and deburring stones.

- (3) Unless more strictly limited in these Regulations, any wastewater having a pH less than 5.0 or more than 10.0 if the equivalent calcium carbonate alkalinity exceeds 300 mg/l or more than 10.5 if the equivalent calcium carbonate alkalinity is 300 mg/l or less. If an industrial user wishes to have a pH limit of 10.5, he shall monitor both pH and alkalinity.
- (4) Any wastewater containing toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference or pass through or constitute a hazard to humans or animals.
- (5) Any liquid, gas or solid or form of energy which either singly or by interaction with other wastes sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria guidelines or regulations developed under Section 405 of the Act; with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the federal Clean Air Act, the federal Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate the Consent Judgment in *U.S. EPA v City of Detroit, et al*, CA No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit.

- (8) Any wastewater having objectionable color not removed in the POTW treatment process, such as, but not limited to, dye waste and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW pretreatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F (66°C) or which will cause the influent at the wastewater treatment plant to rise above 104°F (40°C).
- (10) Any pollutant which constitutes a slug.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established in compliance with applicable state or federal regulations.
- (12) Any floating fats, oil, or grease which are sufficient to cause interference with or pass through the POTW.
- (13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one half (½) inch or greater which are sufficient to cause interference with the POTW, except storm water.

C. Specific Pollutant Prohibitions.

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

(a) Compatible pollutants:

- (1) Any fats, oil, or grease (FOG) in concentrations greater than 2,000 mg/l based on the average of all samples collected within a twenty four (24) hour period.
- (2) Any total suspended solids (TSS) in concentrations greater than 10,000 mg/l based on a composite sample.
- (3) Any biochemical oxygen demand (BOD) in concentrations greater than 10,000 mg/l based on a composite sample.

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

(b) Non-Compatible Pollutants:

No industrial user shall discharge wastewater containing an excess of:

Total Arsenic	(As)	1.0	mg/l
Total Cadmium	(Cd)	2.0	mg/l
Total Copper	(Cu)	4.5	mg/l
Total Cyanide	(CN)	2.0	mg/l
Total Lead	(Pb)	1.0	mg/l
Total Mercury	(Hg)	0.005	mg/l
Total Nickel	(Ni)	5.0	mg/l
Total Silver	(Ag)	2.0	mg/l
Total Chromium	(Cr)	25.0	mg/l
Total Zinc	(Zn)	15.0	mg/l
Aroclor 1260			
Polychlorinated			
Biphenyl	(PCB)	0.0005	mg/l
Total Polychlorinated			
Biphenyl	(PCB)	0.001	mg/l
Phenolic (4AAP) Compounds			
which cannot be removed			
by the POTW treatment plant			
as determined by the EPA			
approved method or			
amendments thereto.		0.5	mg/l

All limitations shall be measured in accordance with approved sampling procedure or techniques as defined in Standard Methods or 40 CFR 136.

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

D. National Categorical Pretreatment Standards.

National Categorical Pretreatment Standards and requirements promulgated pursuant to the Act by the effective date of these Regulations shall be met by affected dischargers provided, however, that if a more stringent standard or requirement is standard or

requirement is applicable pursuant to these Regulations, state law, or regulation, than the more stringent standard or requirement shall be controlling. The Control Authority, may by rule or regulation, require compliance with National Categorical Pretreatment Standards and requirements promulgated after the effective date of these Regulations. Affected dischargers shall comply with the applicable reporting requirements under 40 CFR Section 403 and as established by the Control Authority.

(a) Intake Water Adjustment.

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

(b) Modification of National Categorical Pretreatment Standards.

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

or be modified to reflect any credit granted pursuant to this Section.

E. Dilution Prohibited.

No user shall increase the use of process water or, in any way, dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation or requirement imposed by these Regulations. Combining in-plant waste drains or modulating the release of pollutants upstream of the sampling point prior to the point of discharge into the public sewer shall not be construed as dilution except as otherwise restricted by National Categorical Pretreatment Standards or requirements.

F. Hauled-In Wastewater.

Unloading liquid or solid wastes from hauling vehicles directly into the POTW with or without the benefit of pretreatment is prohibited unless the person proposing to unload such wastes has applied for and received a permit from the Control Authority for unloading such wastes in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms, conditions, surcharges, fees or rates as established by the Board. The Control Authority may establish specific limitations for sludges from municipally owned or operated POTW treatment plants which are different than the specific limitations in these Regulations.

G. Right of Revision.

The County of Oakland reserves the right to establish different or more stringent limitations or requirements on discharges to the POTW.

H. Accidental Discharges.

Each industrial user shall provide protection from accidental discharge of prohibitive materials or other substances regulated by these Regulations. Facilities and measures to prevent and abate accidental discharges shall be provided and maintained at the owner's or industrial user's cost or expense. All significant users shall submit to the Control Authority detailed plans showing facilities and operating procedures to provide protection against accidental discharges. All existing significant users shall complete and submit such plan within 180 days

within the effective date of these Regulations. New significant users shall submit such a plan prior to the time they commence discharging.

I. Notification Requirements.

Within one (1) hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, state, Control Authority or County laws, rules, regulations, or permit requirements and the degree of exceedance appears to be more than twice the allowable concentration, the industrial user shall telephone the Control Authority at its control center and notify the Control Authority of the discharge. The notification shall include the name of the caller, location and time of discharge, type of wastewater, estimated concentration of excessive or prohibited pollutants and estimated volume. Within five (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. When required by the Control Authority, the industrial user's wastewater discharge permit shall be modified to include additional measures to prevent such future occurrences. Such notifications shall not relieve the industrial user of any expense, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property. However, notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any individual in any criminal case, except in prosecution for perjury or for giving a false statement. Such immunity shall not bar the criminal prosecution of non natural persons nor shall it bar the pursuit of administrative or civil remedies against any person.

J. Notice to Employees.

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

K. Recovery of Costs.

Any user discharging in violation of any of the provisions of these Regulations which produces a deposit or obstruction, or causes damage to or impairs the POTW, or causes the City of Detroit to violate its NPDES permit, shall be liable for any expense, loss,

damage, penalty or fine incurred because of said violation or discharge. Prior to assessing such costs, the Control Authority shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment of violation of the City of Detroit's NPDES permit and the intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a break down of cost estimates. Failure to pay the assessed costs shall constitute a violation of these Regulations. Such charge shall be in addition to, not in lieu of, any penalties or remedies provided under these Regulations, ordinances, statutes, regulations, or at law or in equity.

- L. The Control Authority may grant a variance from the limitations set forth in Section 1C(a) and (b) of Article VI of these Regulations in accordance with the terms of a delegation agreement between a municipality and the Control Authority and in accordance with rules adopted by the Control Authority which set forth the guidelines, standards, procedures, fees, and charges by which a person may be granted such a variance. A variance shall not be granted to a user if it would result in a violation of the terms of the delegation agreement between the municipality and the Control Authority or of an applicable National Categorical Pretreatment Standard or allow a prohibited discharge (violate 40 CFR 403.5) or cause the POTW to be in non compliance with its NPDES permit. A user requesting a variance shall have the burden of showing that any guidelines or standards adopted by the Board have been met before a variance may be granted. The Board may adopt fees or charges for reviewing in a variance application which shall be paid by user upon applying for a variance.

Section 2. Fees.

- A. It is the purpose of this Section to provide for the recovery of costs from industrial users of the POTW. The applicable charges of fees shall be sufficient to meet the cost of the operation, maintenance, improvement or replacement of the system or as provided by law, contractual agreement, or Board action.
- B. Charges and fees shall include but not be limited to:
 - (a) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Control Authority's industrial waste control and pretreatment programs; and

- (b) User fees based on volume of waste and concentration or quantity of specific pollutants in the discharge; and
- (c) Other fees deemed necessary to carry out the requirements contained herein or as may be required by law.

C. The charges and fees provided for in this Section shall be set forth in a fee resolution or fee ordinance adopted by a municipality in its discretion together with such other fees and charges as are authorized by these Regulations, which may be amended from time to time.

Section 3. Wastewater Discharge Permits.

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

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

B. Permit Application.

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

- (a) Existing industrial users shall submit a completed application on the form provided by the Control Authority within sixty (60) days after being so directed and provided a form by the Control Authority.
- (b) Proposed new industrial users shall request an application form and submit the completed application at least ninety (90) days prior to the start-up.
- (c) An industrial user which becomes subject to a new or revised National Categorical Pretreatment Standard and which has not previously submitted an application for a wastewater discharge permit is required by these Regulations shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard. The Control Authority may also initiate this action.
- (d) A separate application shall be required for each separate location.

C. Information.

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

- (a) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;
- (b) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;
- (c) All SIC numbers of all processes at this location according to the Standard Industrial Classification Manual, issued by the Executive Office of the President, office of Management and Budget, 1972, as amended;
- (d) 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 Sections 1C (a) and (b) of Article VI of these Regulations and those pollutants limited by a National Categorical Pretreatment Standard or regulations for applicable industries. For each parameter,

the expected or experienced maximum and average concentrations during a one (1) year period shall be provided. For industries subject to National Categorical Pretreatment Standards or requirements, the date requested herein shall be separately shown for each categorical process waste stream. Combined waste streams proposed to be regulated by the combined waste stream formula shall also be identified. Sampling and analysis shall be performed in accordance with the procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, part 136, as amended, (where 40 CFR, part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening an Industrial Effluence for Priority Pollutants, April, 1977, and amendments or revisions thereto), or with any other sampling and analytic procedures, where appropriate and applicable, approved by the EPA; the name and address of the laboratory performing the analytical work;

- (e) A listing and description of activities, facilities and plant processes on the premises. Those processes which are subject to National Categorical Pretreatment Standards or requirements shall be so designated. As pertains to (C)(4) above, identify which pollutants which are associated with each process;
- (f) Restricted to only those pollutants referred to in item (C)(4) above, a listing of raw materials and chemicals that are either used in the manufacturing process or could yield the pollutants referred to in item (C)(4) above. Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;
- (g) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week;
- (h) Average and maximum twenty-four (24) hour wastewater flow rates, including daily, monthly and seasonal variations, if any; list each National Categorical process waste stream flow rate and the cooling water, sanitary water and storm water flow rates separately for each

connection to the POTW; list each combined waste stream.

- (i) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points and places of discharges into the POTW; also a flow schematic showing which connections receive each National Categorical process waste stream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined waste stream. This schematic shall be cross referenced to the information furnished in item (8) above;
- (j) Each product produced by type, amount, process or processes and rate of production as it pertains to processes subject to production based limits under the National Categorical Standards or requirements only;
- (k) The statement regarding whether or not the requirements of these Regulations and the National Categorical Pretreatment Standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements;
- (l) Basic information on the spill containing program and the program for the prevention of accidental discharges for each of the pollutants referred to in item (C)(4) above. The information provided shall include the approximate average and maximum quantities of such substances kept on the premises in the form of raw materials, chemicals and/or wastes therefrom and the containing capacity for each. Only substances which are in a form which can readily be carried into the POTW and which constitute a concentration of five (5) percent or greater on a dry weight basis in the raw material, chemical solution or waste material are required to be reported. Volumes of less than fifty five (55) gallons or the equivalent thereof may not be reported unless lesser quantities can cause pass-through or cause interference with the POTW.
- (m) Proposed or actual hours of operation for each pretreatment system for each production process;
- (n) A schematic and description of each pretreatment facility. Identify whether each pretreatment

facility is of the batch type or the continuous process type;

- (o) If other than DWSD potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source and the estimated wastewater volumes from each source;
- (p) If additional construction and/or operation of maintenance procedures will be required to meet the requirements of these Regulations and the National Categorical Standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;
- (q) Any other information that may reasonably be required to prepare and process a wastewater discharge permit.

D. Permit Issuance.

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

- (a) The industrial user is not required to have a wastewater discharge permit;
- (b) The application is incomplete or the information only partially satisfies the information and data required by 40 CFR 403.12 (a) and (b) or the Control Authority and that additional information and data are required which shall be promptly furnished;
- (c) The industrial user is required to have a wastewater discharge permit. The Control Authority may withhold issuance of a permit to a significant user which has not submitted an adequate or timely report to the Control Authority in accordance with the baseline reporting requirements of 40 CFR 403.12 (a) and (b). If the Control Authority determines an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail, and the municipality and the County of Oakland shall simultaneously be notified by first class mail. Notification shall contain a copy of the proposed permit, so marked for the industrial user's

review. An industrial user may contest the determination of the Control Authority, any term or condition of wastewater discharge permit including modifications thereof by filing a request for reconsideration in accordance with the procedures set forth in these Regulations. In the event of such request, the contested terms and conditions of the proposed permit shall be stayed pending the Control Authority's review of the contested issues. If the permit is not contested or if the industrial user fails to respond within twenty (20) days after receipt of the proposed permit, the permit may be issued as proposed. A permit shall be issued upon resolution of the Control Authority of any contested terms or conditions. Only one (1) facility location shall be included in each permit.

E. Permit Conditions.

Wastewater discharge permits shall be deemed to contain all the provisions of these Regulations, other applicable laws, rules, regulations, user charges and fees established without repetition therein.

(a) Permits may also contain the following:

- (1) Limits on the average and maximum wastewater constituents or characteristics if more restrictive than or supplemental to the numerical limits enumerated in Section 1C(a) and (b) of Article VI of these Regulations or the applicable National Categorical Pretreatment Standards;
- (2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (3) Requirements for installation, operation and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;
- (4) Restrictions on which of the user's discharge waste streams are to be allowed to be discharged at each point of connection to the POTW;
- (5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedule;

- (6) Requirement for the prevention of accidental discharges in the containment of spills;
- (7) Restrictions based on the information furnished in the application;
- (8) Compliance schedules; the following conditions shall apply to these schedules:

- (i) The schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pretreatment requirements and standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);
- (ii) No increment referred in paragraph A shall exceed nine (9) months;
- (iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the industrial user to return to the established schedule. In no event should more than seventy-five (75) days elapse between each such progress report to the Control Authority;
- (iv) The compliance schedule embodied in an industrial user's wastewater discharge permit shall be binding until the expiration and fulfillment of the schedule or until such permit is modified. Changes to the compliance schedule which are acceptable to the Control Authority shall be incorporated

into the wastewater discharge permit by modification thereof. Any deviations from the compliance schedule may result in the industrial user being found in violation of these Regulations.

(9) Reporting Requirements; in addition to the above:

- (i) All permittees shall submit a report to the Control Authority in the prescribed form, or an alternative approved form indicating the status of compliance with all conditions enumerated or referred to in the Wastewater Discharge Permit or made applicable to the permit by these Regulations. The report shall be submitted at six (6) month intervals, unless required more frequently, on the schedule to be established by the Control Authority for each permittee. Except for permittees subject to National Categorical Pretreatment Standards or requirements, a permittee, who has demonstrated consistent compliance with the permit for a period of one year or more (which contains no compliance schedule), may request in writing to be excused from submitting the required reports at the required interval. Upon review and acceptance of the request, the Control Authority may grant a less frequent reporting interval. The report shall state whether all requirements of the permit are being met and what progress is being made on work under compliance schedules. The report shall also contain projections of compliance for the next six months. At a minimum, the report shall also contain a dated and signed analytical report of at least one representative discharge sample taken during the period since the last report. If the Control Authority has sampled the permittees effluent since the last report, the Control Authority's analytical report may be substituted for that of the permittees. The analytical report shall show the concentration of each substance for which there is a specific limitation in the permit. The

report shall be signed and dated by the authorized representative of the industrial user;

- (ii) Permittees subject to National Categorical Pretreatment Standard or requirements shall submit compliance reports at the times and intervals specified by the Federal Regulations and the Control Authority. Compliance Reports shall be submitted to the Control Authority no later than ninety (90) days following the final compliance date for a standard and at six (6) month intervals thereafter on the schedule established by the Control Authority for each permittee as here in above stated. New sources shall commence reporting at the time of initial discharge into the system. The report shall be on a form prescribed by the Control Authority or on an approved alternative form and shall indicate the nature and concentration of all pollutants and the discharge from each regulated process which are limited by National Categorical Pretreatment Standards and the records of each day's flow for each process unit in the industrial user's facility which is regulated by such pretreatment standards. The combined waste treatment formula may be used for reporting purposes after the initial information has been furnished to the Control Authority, provided there have been no changes to the elements composing the combined waste stream. These reports shall contain the results of sampling of the discharge and analysis of pollutants contained therein cross-referenced to the related flow or production and mass as required to determine compliance with the applicable National Categorical Pretreatment Standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations (40CFR403) or by the Control Authority, whichever is more stringent. All sampling and analysis shall be performed in accordance with applicable regulations. Where 40CFR, part 136 does not include a sampling or analytical technique for the pollutant in question,

sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluence for Priority Pollutants, April, 1977, and amendments and revisions thereto, or with any other sampling and analytical procedures approved by the EPA for these purposes. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance practices and/or pretreatment construction is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This report shall be signed, dated and certified by an authorized representative of the industrial user or a registered professional engineer;

- (10) Other requirements reasonably necessary to ensure compliance with these Regulations;
- (11) To the extent the Control Authority seeks to impose restrictions in a permit which are more restrictive than established in this Article, the Control Authority shall provide written documentation to substantiate the necessity of greater restriction for protection against pass-through, interference, or violation of the NPDES permit.

F. Permit Duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a lesser period of time or may be stated to expire on a specific date; however, permits shall not be issued for a period less than one year. Existing permittees shall apply for a permit reissuance a minimum of ninety (90) days prior to the expiration of existing permits on a form prescribed by the Control Authority. Upon timely application for reissuance of a permit in accordance with this paragraph by a permit holder, the expired permit shall be automatically extended until modified or reissued by the Control Authority.

G. Permit Modification.

The terms and conditions of the permit may be subject

to modification by the Control Authority during the term of the permit as limitations or requirements as identified in Sections 1C(a) and (b) of Article VI of these Regulations are amended or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

- (a) ~~Material or substantial changes to an industrial user's facility or operation or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within thirty (30) calendar days of the change, provided the information previously submitted and unchanged may not be resubmitted by the permittee. Failure of the industrial user to so apply shall be considered a violation of these Regulations. The Control Authority may also modify the permit of its own initiative based on its findings or reasonable belief of the above;~~
- (b) Change(s) in the City of Detroit NPDES permit;
- (c) Embodiment of the provisions of a conciliation agreement, court settlement or order;
- (d) Any changes necessary to allow the City of Detroit to fulfill its role as Control Authority;
- (e) An industrial user's non-compliance with the portions of an existing permit;
- (f) A change of conditions within the POTW;
- (g) A findings of interference or pass-through attributable to the industrial user;
- (h) Amendments to, or promulgation of, National Categorical Pretreatment Standards or requirements. Permittees shall request an application form and apply to the Control Authority for a modified permit within ninety (90) days after the promulgation of a new or revised National Categorical Pretreatment Standard to which the industrial user shall be subject. Information submitted pursuant to this paragraph shall be confined to that information related to the newly promulgated or amended National Categorical Pretreatment Standard or requirement. However, information previously submitted may not be duplicated, insofar as previously submitted information continues to be current and applicable. The Control Authority

may also initiate this action. The industrial user shall be informed of any proposed change in its permit at least sixty (60) days prior to the proposed effective date of the change for any change initiated by the Control Authority, unless such change is the result of any enforcement action taken pursuant to these Regulations.

H. Permit Custody and Transfer.

Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be re-assigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without the written approval of the Control Authority. It shall be the permit holders duty to notify the Control Authority of any such change within thirty (30) days of the change. The Control Authority may revoke a permit if it determines that an unreported change has occurred. The Control Authority may require the application for a new or modified permit if a change takes place. Any succeeding person shall comply with the terms and conditions of any existing permit which the Control Authority allows to be retained.

I. Small Quantity Dischargers.

Industrial users whose maximum daily discharge on any day does not contain more than the following quantities of the listed pollutants, as expressed in pounds may on a pollutant-by-pollutant basis apply to the Control Authority for an exemption from the concentration limitation set forth in Section 1C(a) and (b) of Article VI of these Regulations for each such pollutant. industrial users granted such an exemption shall comply with the below listed poundage limitations.

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

Upon application by an industrial user who has obtained approval to discharge under the foregoing poundage limitations, the Control Authority may on a pollutant-by-pollutant basis grant an exemption from various wastewater discharge permit requirements described in Sections 1C(a) and (b) of Article VI of these Regulations. No exemptions may be granted to industrial users subject to National Categorical Pretreatment Standards or requirements.

Section 4. Monitoring Facilities.

Significant users shall provide, operate, and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Control Authority and the industrial user and to enable the Control Authority to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits, and standards as provided by these Regulations. The sampling manholes should be situated on the industrial user's premises in a location readily accessible to the Control Authority. It shall be the responsibility of the industrial user to obtain any necessary approvals from the municipality or other government entities which may be required by the location and construction of monitoring facilities in a public street or sidewalk area. Construction of monitoring facilities in a public street or sidewalk area shall only occur when another location would be impractical or cause undue hardship upon the industrial users. In no case shall the location be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed on public or private property, the sampling and monitoring facility shall be provided in accordance with the Control Authorities requirements and all applicable local construction standards and specifications.

Section 5. Inspection Sampling and Record Keeping.

For purposes of administering and enforcing these Regulations, the Control Authority may inspect the establishment, facility or other premises of the industrial user. The Control Authority shall have ready access to the industrial user's premises to engage in inspection, sampling, compliance, monitoring and/or metering activities. Each such inspection activity shall be commenced and completed at reasonable times, within reasonable limits and in a reasonable manner. The Control Authority shall, upon arrival at the industrial user's premises, inform the industrial users or the industrial user's employees that sampling and/or inspection is

commencing and that the industrial user has the right to observe the inspection and/or sampling. While performing work on private properties, the Control Authority in the County of Oakland shall observe all reasonable safety, security and other reasonable rules applicable to the premises established by the industrial user. Representatives of the Control Authority shall bear proper credentials and identification and shall be accompanied by a representative of the industrial user, at the industrial user's option. The Control Authority shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge into the POTW. However, such employees or representatives shall not be restricted from viewing any of the facility site. The Control Authority may take photographs of facilities subject to this Article unless specifically prohibited by the industrial user upon request to be permitted to take photographs. Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that upon a presentation of appropriate credentials, the Control Authority will be permitted to enter immediately for the purposes of performing their specific responsibilities. Significant users shall sample and analyze their discharges in accordance with the provisions of their permits. The Control Authority may request such samples to be split for the Control Authority's independent analysis. Industrial users shall maintain records of all information from monitoring activities required by these Regulations or by 40 C.F.R. 403.12(n). Industrial users shall maintain the records for no less than three (3) years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the City of Detroit's industrial pretreatment program or when requested by the Control Authority, EPA, or the State. Industrial users shall, upon the request of the Control Authority, furnish information and records relating to discharges to the POTW. Industrial users shall make such records readily accessible at all reasonable times, and allow the Control Authority to copy such records. In the event the Control Authority obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished to the owner, operator or agent in charge of the premises upon written request by the industrial user's authorized representative. When requested by the industrial user, the Control Authority shall leave a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Control Authority shall be controlling unless proven invalid. In the event a grab sample of the industrial user's discharge is obtained and analyzed by the Control Authority and found to contain concentrations of pollutants which are two (2) or more times greater than the numeric limitations for composite samples as listed in Section 1C(a) and (b) of Article

VI of these Regulations, the industrial user shall be required to provide a written report describing the cause of greater concentration and a description of the means by which such concentration may be held to values of less than two (2) times the composite sample concentration limitation in the future.

Section 6. 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 Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of industrial user. All claimed confidential information must be clearly marked "confidential." Requests for treatment of information as "confidential" shall be processed in accordance with rules adopted by the Board which set forth the guidelines, standards and procedures by which a person may be granted the right of confidentiality. When requested by the person furnishing the report, the portions of a report which disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to these Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or Pretreatment Programs; provided, however, that such portions of a report shall be available for use by any local, state or federal agency in judicial review or enforcement proceeds involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency until and unless a ten (10) day notification of intent to transmit is first given to the industrial user.
- B. All information with respect to an industrial user on file with the Control Authority shall be made available upon request by that user or the user's authorized representative during normal business hours.

Section 7. Statutes, Laws and Regulations.

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 any element or organization of government other than the County of Oakland shall be construed to apply only to such code, standard, rule, regulation or law in effect or existence on the date of enactment of these Regulations.

Section 8. Enforcement.

A. Violations.

It shall be a violation of this Article for any user to:

- (a) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;
- (b) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics;
- (c) Refuse reasonable access to the industrial user's premises or waste discharge for the purpose of inspection or monitoring;
- (d) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;
- (e) Fail to comply with any limitation, prohibition, or requirement of this Article, including any rule, regulation, or order issued hereunder; however, if an industrial user acts in full accordance with a compliance schedule approved and incorporated into the industrial user's wastewater discharge permit pursuant to the provisions of this Article, that industrial user shall be deemed to be in compliance with those requirements of this Article addressed by the compliance schedule. 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 the requirements of this Article, and such permits shall remain in effect and be enforceable under this Article until the expiration date of such permit or until a superseding permit is issued, whichever occurs first. Industrial users shall comply with National Categorical Pretreatment Standards and requirements on the date specified in the federal regulations, regardless of compliance schedules.

B. Upsets.

An upset shall constitute an affirmative defense to an action brought for non-compliance with limits imposed

under this Article or National Categorical Pretreatment Standards if the requirements of Paragraph (1) are met.

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

- (1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- (3) The industrial user has submitted the following information to the department, orally or in writing, within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five [5] days):
 - (i) A description of the discharge and cause of non-compliance;
 - (ii) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue;
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

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

(c) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with these Regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternate method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

C. Emergency Suspension and Orders.

The Control Authority may order suspension of the sewer or wastewater treatment service and/or a

wastewater discharge permit where such suspension is necessary, in the opinion of the Control Authority, to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with suspension or revocation order, the Control Authority 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 immediately notify the industrial user in writing of such action and the specific recourse available and shall provide the industrial user with an opportunity for a Hearing before the Director or his designated representative within ten (10) days of such action. The Control Authority shall immediately notify the County of Oakland whenever notification is made to an industrial user pursuant to this paragraph and, in writing, within seventy two (72) hours of such action. The Control Authority shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service upon proof of the elimination of the non-compliant discharge. The industrial user shall submit a detailed written statement to the Control Authority within fifteen (15) days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

- D. Except in the case of any actual or threatened discharge as specified in paragraph B, whenever the Control Authority has reason to believe that any industrial user has violated or is violating this Article, the Control Authority shall serve upon such industrial user a written notice stating the nature of the violation.

E. Notice of Control Authority Action.

The County of Oakland or designated department thereof, shall be notified within a reasonable time by the Control Authority of any enforcement activity taken within its boundaries.

F. Administrative Actions.

Whenever the Control Authority has reasonable grounds to believe that sewage, waste, or other substance of

any kind are being or have been discharged into the wastewater system of the POTW in violation of these Regulations, wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Control Authority may, except in the case of emergency or flagrant violation, by conferences, notices, or cooperation, endeavor to the fullest extent possible to have the industrial user eliminate or remedy such violation.

(a) Conferences.

The Control Authority may order any person who violates this Article to attend a conference wherein the Control Authority may endeavor to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violations shall be served at least ten (10) days before the scheduled conference and shall set forth the date, time, and place thereof. The municipality and County of Oakland shall be notified in accordance with the terms and conditions of a Delegation Agreement which the municipality shall enter into with the Control Authority. The conference shall be conducted by a representative of the Control Authority. The industrial user shall present a plan and schedule for achieving compliance with this Article. The conference attendees may agree upon a compliance schedule which sets forth the terms and conditions and time period or schedule for full compliance. Nothing contained herein shall require the Control Authority to accept or agree to any proposed plan or schedule or prevent the Control Authority from proceeding with the Show Cause Hearing as set forth in Subsection (2) below. Should the attendees agree to a compliance schedule, the industrial user's wastewater discharge permit shall be modified accordingly. An industrial user must exhibit good faith and expeditious efforts to comply with this Article and any procedures, requirements and agreements hereunder.

(b) Show Cause Hearing.

The Control Authority may order any industrial user who violates this Article, or allows such violation to occur, to show cause before the Control Authority why a proposed enforcement action should not be taken. A notice shall be served on the industrial user specifying the time and place of the Hearing before the Control Authority regarding the violation, the reasons

why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Control Authority why a proposed enforcement action should not be taken. The notice of the Hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the Hearing with copies to be provided to the municipality and the County of Oakland as provided in the Delegation Agreement. Service may be on any agent or officer of a corporation or authorized representative.

(c) Hearing Proceeding.

A representative of the Control Authority shall conduct a Show Cause Hearing and take the evidence, and may:

- (1) Issue in the name of the Control Authority notices of hearings requesting the attendance and the testimony of the witnesses and production of evidence relevant to any matter involving such Hearings;
- (2) Transmit a report of the evidence and Hearing, including transcripts and other evidence, together with recommendations to the Director and the municipality and County of Oakland for action thereon.

At any Show Cause Hearing held pursuant to this Article testimony taken must be under oath and recorded stenographically.

- (3) After a Show Cause Hearing has been conducted, an order may be issued to the industrial user by the Control Authority directing any of the following actions:
 - (i) Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this Article or applicable local, state or federal law or regulation;
 - (ii) That pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a

specified time period. Sewer or wastewater treatment service may be discontinued upon failure to comply;

- (iii) Submission of compliance reports on effluent quantity and quality as determined by self-monitoring and analysis during a specified time period;
- (iv) Submission of period reports and 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 Control Authority during compliance efforts; and/or
- (vii) Any such other orders 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.

(d) Public Participation.

A list of all industrial users which were the subject of enforcement proceedings pursuant to Section 8 of this Article during the twelve (12) previous months shall be annually published by the Control Authority in the largest daily newspaper, published in or generally circulated in the County of Oakland, summarizing the enforcement actions taken against the industrial users during the same twelve (12) months whose violations remain uncorrected forty five (45) or more days after notification of non-compliance over that twelve (12) month period, or which involved failure to accurately report non-compliance or require the Control Authority

to use its emergency authorities. All industrial users identified in the proposed publication shall be provided a copy of that proposed notice at least thirty (30) days before publication and provided with an opportunity to comment as to its accuracy.

G. Legal Actions.

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

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

Section 9. Review and Appeal.

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

- A. Any permit applicant, permit holder, authorized industrial wastewater discharger, or other discharger adversely affected by any decision, act, or determination made by or on behalf of the Control Authority by the Director, or his authorized

representative, in interpreting or implementing the provisions of this Article or any permit issued thereunder, with the exception of any decision, determination or order made following a Show Cause Hearing pursuant to this Article may file with the Control Authority a written request for reconsideration. Such request shall be received at the Control Authority's general offices within twenty (20) days of the date of the occurrence of the Control Authority's action of decision to dispute. All requests shall set forth the requestor's name, address, along with a brief statement of the reasons it is requesting and the factual basis for the request. The request shall be filed in triplicate and sent by certified mail to the general offices of the Control Authority.

- B. The Control Authority shall notify the applicant within fifteen (15) days after receipt of any requests for reconsideration of the time and place for Hearing upon the request. The Hearing shall be conducted by the Director or his authorized representative not less than ten (10) days and not more than thirty (30) days after mailing such notice. The Hearing may be continued for a reasonable time for good cause shown at the discretion of the Director. The Hearing shall be held as an informal consultation in conference in which the requestor, in person or by counsel, shall present his argument, evidence, data, and proof in connection with the issues submitted. The party shall not be bound by the legal rules of evidence. The Hearing shall be recorded and the requestor shall be provided with the transcript thereof upon request and upon payment of the cost thereof. The decision of the Director shall be made known to the requestor by certified mail within thirty (30) days after the Hearing.
- C. The requestor may appeal a ruling of the Director on the request for reconsideration or any order or decision issued following a Show Cause Hearing pursuant to this Article by filing a request for an appearance before the Board. Procedures for appearance before the Board will be determined by the Board, and the requestor will be notified of these procedures within thirty (30) days after such a request is filed.
- D. The filing of a request for reconsideration, or for appeal in appearance before the Board shall stay any action by the Control Authority, unless such action is immediately necessary to prevent pass through, interference, or other significant harm to the POTW.

ARTICLE VII

SEPARABILITY CLAUSE

If any part or parts of these Regulations are held to be invalid or of no effect by any court, board or agency, the remaining part or parts of the Regulations shall remain in full force and effect and continue to be the full Regulation.