

- (f) mg/l – milligrams per liter
- (g) NDS – Normal Domestic Source
- (h) NPDES – National Pollutant Discharge Elimination System
- (i) P – Phosphorus
- (j) POTW – Publicly Owned Treatment Works
- (k) SIC – Standard Industrial Classification
- (l) SICM – Standard Industrial Classification Manual
- (m) SS – Suspended Solids
- (n) SWDA – Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- (o) O & M – Operation and Maintenance
- (p) CWA – Clean Water Act
- (q) TSS – Total Suspended Solids
- (r) USC – United States Code  
(Ord. 95-4. Passed 7-10-95.)

**1046.04 UNSANITARY DEPOSITS OR DISCHARGES INTO NATURAL OUTLETS PROHIBITED.**

(a) No person shall place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(b) No person, when sewage and/or treatment facilities are available, shall discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by an NPDES permit.

(c) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, serving the public, or other purposes situated within the City and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or sanitary sewage conveyance system of the City, is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(e) No discharger designated by the City as a significant industrial user shall discharge to the City sewer without a City issued discharge permit.  
(Ord. 95-4. Passed 7-10-95.)

**1046.05 PRIVATE SEWAGE DISPOSAL SYSTEMS.**

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 1046.04(d), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

(b) Before commencement of a private sewage disposal system, the owner shall first apply to the County Health Department for a soil evaluation test. The fee shall be determined by the County Health Department and shall be paid to the County Health Department. Upon completion of the above soil evaluation test showing positive results, the property owner shall apply for a permit for the proposed sewage system. He or she shall include plans, specifications and other information as deemed necessary by the County Health Department. At the time the application is filed, the fee determined by the County Health Department for the permit and inspection shall be paid.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seven days of the receipt of notice to the County Health Department. All persons receiving a permit for a private sewer disposal system shall provide the City with copies of final approved inspection reports issued by the County Health Department.

(d) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(e) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 1046.04(d), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, if so required by the inspector.

(f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health or the EPA.  
(Ord. 95-4. Passed 7-10-95.)

**1046.06 BUILDING SEWERS AND CONNECTIONS.**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer, or appurtenances thereof, without first obtaining a written permit from the City. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the City of Litchfield and deposited with the Treasurer a corporate surety in the sum of (\$10,000) ten thousand dollars, conditioned upon his or her faithful performance of all work with due care and skill and in accordance with the laws, rules, and regulations established under the authority or any ordinances of the City of Litchfield pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Litchfield and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his or her part in connection with the plumbing or excavating for plumbing as prescribed in this chapter. Such bond shall remain in force and must be executed for a period of one year except, that on such expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

(b) The City of Litchfield may refuse to issue a permit for a new sewer connection if it determines that there is insufficient capacity available in the downstream components of the sewerage works, including sewers, pump stations, force mains, and the sewage treatment plant.

(c) There shall be two classes of building sewer permits: (1) residential and commercial service, and (2) service to establishments producing industrial waste. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. Permit and inspection fees for residential or commercial and industrial building sewer permits shall be as established by the Litchfield City Council by ordinance and shall be paid to the City at the time the application for said permit is filed.

(d) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by said installation.

(e) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or

driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent.

(f) Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this chapter.

(g) The building sewer shall be constructed of vitrified clay sewer pipe or poly-vinyl chloride (plastic) sewer pipe, as approved by the City. Vitrified clay pipe shall be ASTM C-700, Extra Strength Clay Pipe. Joints for clay pipe shall meet the requirements of ASTM C-425. Plastic pipe shall be ASTM D-178S, Schedule 40, minimum. Plastic pipes shall have solvent weld connections. Plastic pipes shall not be used where petroleum waste might be encountered. Joints between poly-vinyl chloride pipe and vitrified clay pipe shall be a suitable, premium-type flexible joint subject to approval by the City. The City reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if the foundation and construction are such as to warrant such protection in the opinion of the City. There will be a clean-out required at the property line at the owner's expense.

(h) The size and slope of the building sewer shall be subject to approval of the Sewer Inspector, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-quarter inch per foot, unless otherwise permitted.

(i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid with properly curved pipe and fittings. Changes in direction greater than forty-five degrees must be provided with clean-outs accessible for cleaning and constructed to two forty-five degree fillings or a manhole.

(j) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Sewer Inspector and discharged to the building sewer. Said lift mechanisms shall be installed at the expense of the building owner.

(k) All joints and connections shall be made gastight and watertight. All joints shall be approved by the Sewer Inspector.

(l) Additions to the sanitary sewer system shall be in accordance with the current standards and requirements of the City. Such standards and requirements shall be established as necessary by the City Council and shall be enforced by the City Department of Public Works and the Sewer Inspector. All alterations, additions, or improvements to the sanitary sewer system shall be approved by the City.

(m) Any new construction requiring a connection to the City sanitary sewer system, or reconstruction of an existing sewer line, will be required to have a clean out installed at the property line and a clean out installed just outside the structure.

(Ord. 95-4. Passed 7-10-95; Ord. 2006-03. Passed 5-9-06.)

#### **1046.07 USE OF PUBLIC SEWERS.**

(a) No person shall permit any new connections from inflow sources into the sanitary sewer portions of the sewer system.

(b) Storm water, ground water, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Superintendent of Public Works of the City of Litchfield and the Michigan Department of Natural Resources.

(c) Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following waters or wastes to any public sewer:

- (1) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference and, in no case, wastewater with a temperature at the introduction into the POTW which exceeds 104 degrees Fahrenheit (40 degrees Centigrade).
- (2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (3) Any liquids, solids, or gases, including gasoline, benzine, naphtha, and fuel oil, which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction, to cause fire or explosion, to be injurious in any other way to the operation of the POTW, or to cause unusual maintenance or operational problems.
- (4) Any garbage that has not been properly shredded.
- (5) Solid or viscous substances capable of causing obstruction to the flow in sewers or unusual operation or maintenance problems, such as, but not limited to, ashes, fly ash, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, paunch manure, or any other solid or viscous substance.
- (6) Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewer works. The pH of wastes discharged into the sewer system must be not less than 6.0 nor higher than 9.0.

- (7) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to exceed the limitations set forth in categorical pretreatment standards, or to cause a violation of the State of Michigan Water Quality Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified in the toxic pollutant list set forth in Appendix A, following the text of this chapter.
- (8) Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (9) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceeds limits established by the City in compliance with applicable State or Federal regulations. All users of radioactive materials shall register with the Sewer Inspector.
- (11) No user shall increase the use of potable or processed water in any water, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
- (12) Any discharge which will violate any statute, rule, regulation, or ordinance of any public agency, including the EPA, or which will cause the POTW to violate its NPDES discharge permit.
- (13) Any substance which may cause the POTW's effluent or treatment residues, sludge, or scum to be unsuitable for reclamation and re-use or to interfere with the reclamation process.
- (14) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions.
- (15) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants and BOD, released in a single extraordinary discharge episode in such volume and strength as to cause interference to the POTW.
- (16) Any wastewater which causes a hazard to human life or creates a public nuisance.

- (17) Any substances which, by reason of their nature or quantity, may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or sixty degrees Centigrade using the test methods specified in 40 CFR, Section 261.21.
- (18) Any trucked or hauled pollutants, except with the prior written permission of the Superintendent.
- (19) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(d) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sewer Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

(e) When installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, and be in continuously efficient operation at all times.

- (f) Limitations on wastewater strength shall be as follows:
- (1) National Categorical Pretreatment Standards as promulgated by the EPA pursuant to the Act shall be met by all dischargers. An application for modification of the National Categorical Pretreatment Standards may be considered by the City if it can be demonstrated to the satisfaction of the City that the wastewater treatment system will achieve consistent removal of the pollutants as defined by 40 CFR, Section 403.7.
  - (2) State requirements on limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any incident where the State requirements are more stringent than the Federal requirements and limitations or those in this chapter or any other applicable ordinance.

- (3) No discharger shall discharge wastewater containing concentrations (and/or mass limitations) of the following enumerated materials except under contract or permit from the proper authorities:

<u>Material</u>	<u>Concentration (mg/l)</u>
Arsenic	0.30
BOD/5	200.00
Cadmium	0.01
Chlorine Demand	15.00
COD	500.00
Copper	0.50
Cyanide	0.50
Hexavalent Chromium	0.10
Lead	0.10
Mercury	(Less than Detection Limit)
Nickel	0.10
Oil and Grease	50.00
PCB	(Less than Detection Limit)
Phenol	0.20
Phosphate as P	5.00
Suspended Solids	240.00
Total Kjeldahl Nitrogen	10.00
Trivalent Chromium	5.00
Zinc	1.00

Contribution from discharges is subject to control and volume and concentration by the City. Should the above concentrations, either individually or in combination, interfere with the sewage treatment process or cause difficulties or damage to the receiving waters, maximum allowable concentrations of these substances may be reduced by the City.

- (4) If any waters containing the substances or possessing the characteristics enumerated above are discharged or are proposed to be discharged to the public sewers, and said waters may, in the judgment of the City, have a deleterious effect upon the sewerage works, processes, equipment, or receiving waters or otherwise create a hazard to life or constitute a public nuisance, the City may reject the wastes or require pretreatment of the wastes prior to discharge to the sewerage works.
- (5) Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds: A. 200 parts per million of biochemical oxygen demand; B. 240 parts per million by weight of suspended solids, or C. high-strength or excessive of normal waste, and



where such wastes are permitted to be discharged to the sewer system by the Sewer Superintendent, an added charge will be made against such establishment according to the strength of such waste. Added charges shall be determined by the City. These charges shall be based on the cost of operation, maintenance, replacement, administration, depreciation, and amortization, plus sufficient coverage for the sewerage works. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. The cost of any sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory.

(g) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

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

(i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsections (c) and (f) hereof shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136 or, if 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA, and shall be determined at the control manhole provided for in subsection (h) hereof, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(j) To determine the sewage flow from any establishment, the Sewer Inspector may use one of the following methods:

- (1) The amount of water supplied to the premises by the City as shown upon the water meter, if the premises are metered;
- (2) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the Sewer Inspector from the water, gas, or electric supply;

- (3) If such premises are used for an industrial or commercial purposes of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Sewer Inspector from the water, gas, or electric supply;
- (4) The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his or her own expense in accordance with the terms and conditions of the permit issued by the Sewer Inspector pursuant to this section; or
- (5) A figure determined by the Sewer Inspector by any combination of the foregoing or by any other equitable method.

(k) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Upon request of the City, detailed plans showing the facilities and operating procedures to provide this protection shall be submitted for review. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the City of Litchfield Department of Public Works of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar accidental discharges in the future. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater treatment system, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law. Containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

- (l) (1) Industrial users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures, shall be approved by the POTW before construction of the facility.

- (2) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
  - (3) The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
    - A. Description of discharge practices, including nonroutine batch discharges;
    - B. Description of stored chemicals;
    - C. Procedures for immediately notifying the POTW of slug discharges with procedures for follow-up written notification within five days; and
    - D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (m) (1) In the case of any discharge in violation of this chapter or any permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug loadings, as defined in Section 1046.02, the industrial user shall immediately notify the POTW of the discharge by telephone. The notification shall include:
- A. The date, time, location and duration of the discharge;
  - B. The type of waste, including concentration and volume; and
  - C. Any corrective actions taken by the user.
- (2) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR, Section 403.12(p).

- (n) (1) An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph (n)(2) or (n)(3) hereof.
  - A. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.
  - B. An industrial user shall orally notify the POTW of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within twenty-four hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- (2) Bypasses are subject to the following additional provisions:
  - A. Bypass is prohibited and the POTW may take enforcement action against an individual user for a bypass, unless (i) bypass was unavoidable to prevent loss of life, personal injury or severe property damage; (ii) there are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime; (This condition is not satisfied by equipment downtime, nor is it satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventive maintenance); and (iii) the industrial user submitted notices as required by subsection (m) hereof.
  - B. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (n)(3)C. hereof.
- (3) Upsets are subject to the following provisions:
  - A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (n)(3)C. hereof are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
1. An upset occurred and the industrial user can identify the cause(s) of the upset;
  2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  3. The industrial user has submitted the following information to the POTW within twenty-four hours of becoming aware of the upset (if this information must be provided orally, a written submission must be provided within five days):
    - a. A description of the discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
    - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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

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

(o) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 95-4. Passed 7-10-95.)