

**CHAPTER 1046
Sewers Generally**

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CROSS REFERENCES

Sewers and sewer systems generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.

Sewers and sewer systems in home rule cities - see M.C.L.A. Secs. 1174b, 117.4e, 117.4f, 117.35

Sewer rates and charges - see S.U. & P.S. Ch. 1048

Sewers in subdivisions - see P. & Z. 1246.41, 1248.12

1046.01 OBJECTIVES.

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting Municipal sludge;
- (b) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

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- (c) To prevent the introduction of pollutants into the wastewater system which will cause the POTW to violate its NPDES permit;
- (d) To prevent the introduction of pollutants into the wastewater system which will pose an acute health or safety threat to the employees of the POTW;
- (e) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
- (f) To provide for the equitable distribution of the cost associated with the operation, maintenance, and replacement of equipment at the POTW.
(Ord. 95-4. Passed 7-10-95.)

1046.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (1) Act shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq.
- (2) Authorized Representative of Industrial User refers to:
 - A. A corporate officer if the industrial user is a corporation;
 - B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
 - C. 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 nondomestic discharge originates.
- (3) Biochemical Oxygen Demand, BOD or BOD (5-Day) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at twenty degrees Celsius, expressed in terms of parts per million (ppm).
- (4) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (5) Building Sewer shall mean a sewer conveying wastewater from the premises of a user to the public sewer or other place of disposal.
- (6) Bypass shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- (7) Categorical Standards shall mean National Categorical Pretreatment Standards or Pretreatment Standard.

- (8) 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. COD shall also be known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
- (9) 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.
- (10) City shall mean the City of Litchfield, Hillsdale County, Michigan.
- (11) Combined Sewer shall mean a sewer receiving both surface run-off and sewage.
- (12) Commercial User shall mean all nondomestic sources, other than industrial users, as defined herein, including, but not limited to, the following: a publicly or privately owned facility where persons are engaged in the exchange or sale of goods or services, hospitals, retail establishments, schools, and facilities operated by local and State governments.
- (13) Commercial Waste shall mean a liquid or water-carried waste material from a commercial business engaged in buying, selling, or exchanging goods or engaging in said goods or services.
- (14) Compatible Pollutant shall mean a substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.
- (15) Composite Sample shall mean a series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- (16) Cooling Water shall mean the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (17) Debt Service Charge shall mean charges levied to customers of the wastewater system which are used to pay the principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the user charge specified below.
- (18) Direct Discharge shall mean the discharge of treated or untreated wastewater directly to the waters of the State.

- (19) Domestic Wastewater shall mean wastewater derived principally from dwellings due to domestic activities.
- (20) Environmental Protection Agency, or EPA shall mean the U.S. Environmental Protection Agency, its Administrator or other duly authorized official.
- (21) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.
- (22) Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (23) Holding Tank Waste shall mean any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (24) Incompatible Pollutants shall mean any pollutant which is not a compatible pollutant.
- (25) Indirect Discharge shall mean the discharge or the introduction of nondomestic pollutants into the POTW (including holding tanks wastes discharged into the system).
- (26) Indirect Wastes shall mean the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.
- (27) Industrial User shall mean a source of wastewater discharge which originates from, but is not limited to, facilities engaged in industry, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources.
- (28) Industrial Wastes shall mean the wastewater discharges from industrial, manufacturing, trade, or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.
- (29) 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.
- (30) Infiltration or Inflow shall mean the total quantity of water from both infiltration and inflow.
- (31) 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.
- (32) Inspector shall mean any person or persons duly authorized by the City to inspect and approve the installation of building sewers, their connection to the public sewer system, or other activities as may be authorized within this chapter.

- (33) Interference shall mean any discharge which alone or in conjunction with a discharge or discharges from other sources, both:
- A. Inhibits or disrupts the POTW and any of its sludge use or disposal; and
 - B. Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal.
- (34) Laboratory Determination shall mean the measurements, test and analyses of the characteristics of waters and wastes in accordance with the procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136.
- (35) 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 and which collects sewage from a particular property for transfer to the trunk line.
- (36) Letter of Intent shall mean a written statement from an industrial user to a municipality of that user's intent to utilize a specified portion of the publicly owned waste treatment facility for a given length of time.
- (37) Manager shall mean the City Manager, or his or her authorized representatives.
- (38) National Categorical Pretreatment Standard or Pretreatment Standard shall mean any Federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.
- (39) National Pollution Discharge Elimination System or NPDES shall mean the permit system administered by the State of Michigan which controls the discharge from the City wastewater treatment system by prescribing pollutant limitations, data and information collection procedures, reporting, and other requirements deemed appropriate. The authority for the system is derived from the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, Section 401 (33 U.S.C. 1342).
- (40) National Prohibitive Discharge Standard or Prohibitive Discharge Standard shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
- (41) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (42) New Source shall mean any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act (33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (i) the construction is a site at which no other source is located; (ii) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (iii) the production or wastewater-generating processes are substantially independent of an existing source at the same site.

- (43) Normal Domestic Sewage (NDS) shall mean wastewater which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD; nor more than 240 mg/l of suspended solids; nor more than five mg/l of phosphorus; nor more than 100 mg/l of fats, oils, and grease; nor more than twenty mg/l of total kjeldahl nitrogen.
- (44) Obstruction shall mean any object of whatever nature which substantially impedes the flow of sewage from the point of origination to the trunk line. This shall include, but not be limited to, objects, sewage, tree roots, rocks and debris of any type.
- (45) Operation and Maintenance 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.
- (46) Owner or Owners of Record of the Freehold of a premise or Lesser Estate therein shall mean a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.
- (47) Pass Through shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (48) Permit shall mean a legal document explaining the quality and conditions by which a person or industry can discharge waste into the sewer system.
- (49) Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.
- (50) pH shall mean the logarithm (Base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution as measured in accordance with standard methods.
- (51) Pollutant shall mean any of various chemicals, substances, and refuse materials, such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, Municipal and agricultural wastes, which impair the purity of the water and soil.
- (52) Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (53) POTW Treatment Plant shall mean that portion of the POTW designed to provide treatment to wastewater.

- (54) Pretreatment or Treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR, Section 403.6(d).
- (55) Pretreatment Requirements shall mean any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.
- (56) Pretreatment Standard or Standard shall mean any local, State or Federal regulation containing pollutant discharge limits. This term includes local limits, prohibitive discharge limits, including those promulgated under 40 CFR, Section 403.5, and categorical pretreatment standards.
- (57) Private Sewer Lines shall mean all service lines and equipment for the disposal of sewage installed or located on any property, from the property line to and including any structure or facility which exists on the property.
- (58) Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (59) Property Owner shall mean the owner of the property which abuts the street.
- (60) Publicly Owned Treatment Works (POTW) shall mean a treatment works as defined by Section 212 of the Act, including any devices and systems used in the storage, treatment, recycling, and reclamation of Municipal sewage and industrial waste. The system shall include sewers, pipes, and equipment used to convey wastewater to the treatment facility. The term also includes the Municipality as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- (61) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (62) 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.
- (63) Sanitary Sewage shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- (64) Severe Property Damage shall mean substantial physical damage or property damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

- (65) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.
- (66) Sewage Treatment Plant or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- (67) Sewage Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- (68) Sewer shall mean a pipe or conduit for carrying sewage.
- (69) Sewer Service Charge shall mean the sum of the applicable user charge, surcharges and debt service charges.
- (70) Shall is mandatory; May is permissive.
- (71) Significant Industrial User.
- A. Except as provided in paragraph B. hereof, the term significant industrial user means: (i) all industrial users subject to categorical pretreatment standards under 40 CFR, Section 403.6 and 40 CFR, Chapter I, Subchapter N; and (ii) any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater) or contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iii) is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR, Section 403.8(f)(6).
- B. Upon a finding that an industrial user meeting the criteria in paragraph A.(ii) hereof has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may, at any time, on its own initiative or in response to a petition received from an industrial user in accordance with 40 CFR, Section 403.8(f)(6), determine that such industrial user is not a significant industrial user.
- (72) Significant Noncompliance (SNC) means:
- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 - C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
 - D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
 - F. Failure to provide, within thirty days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - G. Failure to accurately report noncompliance; or
 - H. Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.
- (73) Slug Discharge shall mean any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.
- (74) Slug Load shall mean any substance released in a discharge at a rate and/or concentration which causes interference to the POTW. Any discharge which exceeds, for a period of duration longer than fifteen minutes, more than five times the average twenty-four-hour flow during normal operation, or more than five times the twenty-four-hour allowable concentration of any substance listed in Appendix A, or which causes interference to the POTW.
- (75) Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (76) State shall mean the State of Michigan.

- (77) Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (78) Storm Water shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (79) Superintendent shall mean the person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.
- (80) Surcharge shall mean, as part of the service charge, any additional charge to cover the cost of treatment of excess strength wastewater when a customer discharges wastewater having a strength in excess of limits set forth by the City.
- (81) Suspended Solids or SS shall mean the portion of residue contained in a water or wastewater sample which is removable by laboratory filtering as measured according to standard methods.
- (82) Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provisions of the Clean Water Act, Section 307(A), 33 U.S.C. 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Natural Resources.
- (83) Trunk Lines shall mean the main sewer line located under any street or within any street right-of-way which collects and transmits the sewage of the various properties served by the sewer system.
- (84) Uncontaminated Industrial Waste shall mean wastewater 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.
- (85) User shall mean any person who contributes, causes or permits the contribution of wastewater into the POTW.
- (86) User Charge shall mean a charge levied on users of a treatment works for the cost of operation, maintenance and replacement of treatment works pursuant to Section 204(b) of the Clean Water Act.
- (87) User Class shall mean the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial, commercial, institutional and governmental.
- A. Residential User shall mean a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units, such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included; it is considered commercial).
- B. Industrial User shall mean any person who introduces pollutants into a POTW from any non-domestic source regulated under the Act, State law or any local ordinance.

- C. Commercial User shall mean an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic waste or wastes from sanitary conveniences and which is not a residential user or an industrial user.
 - D. Institutional User shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - E. Governmental User shall mean any Federal, State or local government user of the wastewater treatment works.
- (88) Wastewater shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (89) Wastewater System shall mean the wastewater treatment facility, the sewers, manholes, regulator structures, pump stations, force mains, and other structures, including all appurtenances that convey, transfer, regulate, or treat the wastewater flow in the service area under the jurisdiction of the City.
- (90) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (91) Waters of the State includes:
- A. Both surface and underground waters within the boundaries of the State of Michigan subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
 - B. The floodplain free-flowing waters determined by the Department of Natural Resources on the basis of a 100-year flood frequency.
(Ord. 95-4. Passed 7-10-95.)

1046.03 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) EPA – Environmental Protection Agency
- (e) l – liter

- (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.)
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