

DOWNRIVER UTILITY WASTEWATER AUTHORITY (“DUWA”)
SEWER USE REGULATIONS

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ARTICLE I

DEFINITIONS

Section 1 - Definitions

1. **Act**

"Act" means the CWA.

2. **Approval Authority**

"Approval Authority" means director of the MDNRE(formerly known as the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Environmental Quality (MDEQ), or his/her delegated representative.

3. **As-Built Plans**

"As-Built Plans" means engineering drawings prepared after installation of Wastewater facilities which show a statement by a registered engineer or surveyor certifying the drawings to be "as-built plans" and shall include, but not be limited to, length of Sewer, invert elevation, location with respect to property lines, locations and depths of wyes, and Sewer material and joints used.

4. **Authority**

"Authority" means the entity created pursuant to Act 233, Public Acts of 1955 as amended by the Communities utilizing the Downriver Sewage Disposal System with powers and responsibilities as set forth in the Downriver Utility Wastewater Authority Articles of Incorporation.

5. Authorized Representative of Industrial User Per 40 CFR 403.12(1)

"Authorized Representatives of Industrial User" means:

- (a) President, Secretary, Treasurer or Vice-President, if the Industrial User is a corporation.
- (b) A general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively; or
- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates provided:
 - (i) The authorization is in writing and
 - (ii) The written authorization is submitted to the Authority.

6. Best Management Practices

"Best Management Practices" or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article IV, Sections 2.01.1 and 2.01.2 of these Regulations. BMPs also include treatment requirements, operating procedures, and practices to control introduction of pollutants into the ecosystem, including but not limited to the Downriver Sewerage Collection System, spillage or leaks, sludge or waste disposal, or drainage from raw materials.

7. BOD (Biochemical Oxygen Demand)

"BOD or Biochemical Oxygen Demand" means: The quantity of

dissolved oxygen utilized in the biochemical oxidation of Organic Matter under standard laboratory procedure in five (5) days, at twenty (20) degrees Centigrade (expressed in milligrams per liter (mg/l) as measured by procedures specified in 40 CFR 136, as amended.

8. Building Drain

"Building Drain" means in plumbing, the part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building Sewer (house Sewer). The latter begins five feet outside the inner face of the building wall.

9. Bulkhead

"Bulkhead" means a partition or concrete structure installed at an open end of a pipe or sewer to block the flow of water.

10. Bypass

"Bypass" as it pertains to a discharge from an Industrial User's treatment facility, means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

11. Categorical Industry

"Categorical Industry" means a Non-Domestic User discharging Wastewater from any of the categories specifically established pursuant to CWA and regulated under 40 CFR Chapter I, Subchapter N pursuant to 40 CFR 403.6.

12. Categorical Pretreatment Standards

"Categorical Pretreatment Standards" means National Pretreatment Standards specifying quantities or concentrations of Pollutants or Pollutant properties which may be discharged or introduced into a POTW by existing or new industrial users.

13. Centralized Waste Treatment (CWT) Facility

Centralized waste treatment facility means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker, trailer / roll-off bins, drums, barges, or any other form of shipment.

14. COD (Chemical Oxygen Demand)

"COD or Chemical Oxygen Demand" means a measure of the oxygen-consuming capacity of inorganic and Organic Matter present in water or Wastewater. It is expressed in milligrams per liter (mg/l) as the amount of oxygen consumed from a chemical oxidant in a specific test.

15. Chlorine Demand

"Chlorine Demand" is defined as the amount of chlorine that must be added per unit volume of water or Wastewater to produce the desired results under certain conditions. Usually the desired result is disinfection.

16. Combined Wastestream

"Combined Wastestream" means the wastestream at industrial facilities where regulated process Effluent is mixed with other Wastewater (either regulated or unregulated) prior to treatment.

17. Commercial User

"Commercial User" means any User whose property is primarily used to conduct activities for monetary gain as may be defined in the local zoning ordinance.

18. Compatible Pollutant

"Compatible Pollutant" shall mean a Pollutant which can be effectively removed by the POTW treatment system to within acceptable levels for the POTW residuals and receiving stream. Specifically excluded are "heavy" metals, PCB's, and any Pollutants that will likely contribute or cause operational or Sludge disposal problems or unacceptable discharges to the receiving waters. For the purpose of these Regulations, the compatible pollutants are BOD, FOG, Phosphorous and TSS.

19. Composite Sample

"Composite Sample" means a sample formed either by continuous sampling or by mixing discrete samples obtained at intervals over a time period. The sample may be either a time or Flow proportional composite and shall reasonably reflect the characteristics of the wastestream at the time of each sample collection. For a continuous discharge, a minimum of four (4) individual grab samples shall be collected and combined to constitute a 24 hour Composite Sample. Composite sampling protocols delineated in the permit take precedence.

20. Confidentiality

"Confidentiality" means protection of privileged information, as

defined by Section 2.08 of Article IV of these Regulations.

21. Control Authority

The "Control Authority" means the Downriver Utility Wastewater Authority or "DUWA".

22. Cooling Water

(a) Non-contact Cooling Water means the discharge from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.

(b) Contact Cooling Water - water used for cooling purposes only which may become contaminated either through the addition of water treatment chemicals such as corrosion inhibitors, biocides or by direct contact with process materials.

23. County

"County" means: the County of Wayne, State of Michigan.

24. Critical Materials

"Critical Materials" means the organic and inorganic substances, elements or compounds listed in the rules compiled by the MDNRE.

25. Day

"Day" means calendar day unless otherwise stated.

26. Dilution

"Dilution" means the reduction in strength or concentration of substances by the addition of water.

27. Direct Discharge

"Direct Discharge" means that Wastewater discharged directly or via Storm Sewer to a receiving stream such as a stream, river,

lake, etc., rather than to a POTW.

28. Director

"Director" means the Director of the Downriver Sewage Disposal System for the Downriver Utility Wastewater Authority.

29. Discharger

"Discharger" means any non-residential User who discharges an effluent into a POTW via pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and constructed devices and appliances appurtenant thereto.

30. Domestic Waste

"Domestic Waste" means water-carried waste of human origin, from residences, business buildings, institutions, or industrial establishments generated by personal activities (from sources such as kitchens, bathrooms, lavatories and toilets).

31. Downriver Sewage Disposal System or DSDS

"Downriver Sewage Disposal System" or "DSDS" means those assets and facilities owned and operated by the Downriver Utility Wastewater Authority to transport and treat wastewater from Communities in the Service Area.

32. Downriver Utility Wastewater Authority or DUWA

"Downriver Utility Wastewater Authority" or "DUWA" means the entity established under Act 233, Public Acts of 1955 as amended to provide wastewater transport and treatment services to various Communities served by the Downriver Sewage Disposal System.

33. Drain

"Drain" means all established drains regularly located and established in pursuance of law existing at the time of their location and establishment and visibly in existence, or in written drain easements or rights of way on file in the office of the County Drain Board, or in the executive office of the Director of the Division of Public Works.

"Drain" includes the main stream or trunk and all tributaries or branches of any creek, river or ditch, either opened or closed; any covered drain or any sanitary or Storm Sewer or conduit composed of tile, brick, concrete or other material; any structures, facilities, or mechanical devices that will purify the Flow of such drains; any pumping equipment necessary to assist or relieve the Flow of such drains, levee, dike, barrier, or a combination of any or all of the same constructed or proposed to be constructed, for the purpose of drainage or for the purification of the Flow of such drains.

34. Drainage Board

"Drainage Board" means the governing body of any Drainage District when such Drainage District requires a drainage board as provided by Michigan Public Act 40 of 1956. The term includes any lawful successor thereto.

35. Drainage Districts

"Drainage Districts" means the public corporate body, including its geographical boundaries, with power to contract, to sue, and

be sued, and to hold, manage, and dispose of real and personal property established in accordance with law and includes all such bodies as defined in Section 5 of Michigan Public Act 40 of 1956, or any lawful successor thereto.

36. Dwelling

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

37. Effluent

"Effluent" means wastewater or other liquid which is raw, untreated or partially treated and flows out from a user to a reservoir, basin, treatment process or treatment plant.

38. Excess Flow

"Excess Flow" means that quantity of Wastewater represented by the difference between the wastewater flows and the Total Adjusted Sewered Water Consumption.

Wastewater Flow adjustments for billing purposes will be made in accordance with procedures set by the Authority.

39. FOG (fats oil and grease)

"FOG or Fats Oil and Grease" is a method-defined parameter that measures the presence of relatively nonvolatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, greases, and related materials that are extractable in the solvent n-hexane as determined by Method 1664. Also referred to as HEM (Hexane Extractable Materials).

40. Fees

"Fees" means such charges as are payable to the Downriver Utility Wastewater Authority for services rendered.

41. Flow

"Flow" means the volume of liquid that flows through a passage of any given section over a given period of time.

42. Footing Drain

"Footing Drain" means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits Ground Water.

43. General Specifications

"General Specifications" means the current edition of "General Specifications for Roads, Bridges and Miscellaneous Construction of the Board of Wayne County Road Commissioners", or its successor agency.

44. Governmental User

"Governmental User" means any User whose property is primarily used by any department, commission, independent agency, or instrumentality of the United States, of a State, County, incorporated or unincorporated municipality, township authority, district or other governmental unit.

45. Grab Sample

"Grab Sample" means an individual sample taken from a wastestream on a one-time basis, collected over a period not exceeding fifteen minutes (15) which reasonably represents the

characteristics of the stream at the time of sampling.

46. Groundwater

"Groundwater" means subsurface water occupying the saturation zone, from which wells and springs are fed. In a strict sense, the term applies only to water below the water table. Also called phreatic water, plerotic water.

47. Hauled in Waste

"Hauled in Waste" means Wastewater discharged into the POTW other than through Sewer connections at the site of generation. Such waste may only be introduced to the POTW upon approval and at points designated by the POTW. Such waste is subject to all federal, state and local ordinance requirements.

48. Hazardous Waste

"Hazardous Waste" means a solid waste or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious character may:

- (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or
- (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (c) As defined in RCRA, or its regulations promulgated at 40 CFR 261) and NREPA.

49. Hold Tank Waste

"Hold Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pack tank trucks.

50. Incompatible Pollutant

"Incompatible Pollutant" means any Pollutant which is not a Compatible Pollutant.

51. Indirect Discharge

"Indirect Discharge" means the discharge or the introduction of non-domestic Pollutants into the POTW from a source regulated under Section 307 (b) or (c) of the Act.

52. Industrial User

"Industrial User" shall mean a source of discharge to the POTW which originates from, but is not limited to, facilities engaged in industry, manufacturing, arts, trade or commerce, including the development, recovery or processing of natural products, whether public or private, commercial or charitable. Single and multiple family residential dwellings with discharges consistent with Domestic Waste characteristics are specifically excluded.

53. Industrial Waste

"Industrial Waste" means any solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, research or business process or from the development, recovery or processing of natural resources.

54. Infiltration

"Infiltration" means any water or Groundwater entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, and manhole walls.

55. Influent

"Influent" means that which flows in. Wastewater or other liquid-which is raw, untreated or partially treated and flows into a reservoir, basin, treatment process, or treatment plant.

56. Inhibition

"Inhibition" means the disruption or interference of sewage treatment plant processes or operations.

57. Inorganic Matter

"Inorganic Matter" means chemical substances of mineral origin, or more correctly, not of basically carbon structure.

58. Institutional User

"Institutional User" means any nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purpose as may be defined in the local zoning ordinance.

59. Interference

"Interference" means a discharge, which alone or in conjunction

with discharges from other sources, inhibits or disrupts the POTW, its treatment processes, or operations, or its Sludge processes, use or disposal; and which 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 by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act; The Solid Waste Disposal Act (SWDA), (including Title II, more commonly referred to as the Resource Conservation and Recovery Act; and including State regulations contained in the State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA); The Clean Air Act; The Toxic Substance Control Act; and the Marine Protection, Research, and Sanctuaries Act.

60. Local

"Local" means a city, township, charter township or village which is connected to or utilizing the publicly owned wastewater treatment and transportation system.

61. Local Discharge Limits

"Local Discharge Limits" means the effluent limits found in Appendix A of these Regulations.

62. Master Pumping Station

"Master Pumping Station" means a pumping facility which discharges directly to a DUWA Sewer or indirectly, through a

Municipal Sewer, to a DUWA sewer. Where a group of pumping facilities are connected in series, only the terminal pumping facility is considered to be the master pumping station.

63. MDEQ

“MDEQ” means the Michigan Department of Environmental Quality.

64. National Categorical Pretreatment Standard

"National Categorical Pretreatment Standard" means any Federal regulation containing Pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.

65. National Prohibitive Discharge Standard or Prohibitive Discharge Standard

"National Prohibitive Discharge Standard or Prohibitive Discharge Standard" means any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5, as amended.

66. New Source

"New Source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed 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, provided that:

- (a) (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
- or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an existing source; or

(3) The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Paragraphs (1) (ii), or (1) (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this Paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities

or equipment: or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structure, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment: or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which ~~are~~ is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

67. Non-Domestic User

"Non-Domestic User" means all contributors to a Wastewater system which are not domestic Users.

68. Non-Polar Material

"Non-Polar Material" - a method-defined parameter that measures the presence of mineral oils that are extractable in the solvent n-hexane and not absorbed by silica gel (see Method 1664). Non-polar material is also referred to as SGT-HEM.

69. NPDES Permit

"NPDES Permit" means the National Pollutant Discharge Elimination System Permit issued pursuant to Section 402 of the Act, for discharge of Wastewater into the surface waters of the State.

70. Oil and Grease

See FOG.

71. OM&R (Operations, Maintenance and Replacement

"OM&R or Operations, Maintenance and Replacement" means those activities required to assure the dependable and economic function of the facilities.

(a) Maintenance - Preservation of functional integrity and efficiency of equipment and structures, including preventive maintenance, corrective maintenance, and replacement of equipment as needed.

(b) Operation - The control of the unit processes and equipment that make up the facilities. This includes but is not limited to the financial and personnel management, records, laboratory control, processing control, safety, and emergency operation planning.

(c) Replacement - Expenditures for obtaining and installing the equipment, accessories or appurtenances which are necessary for the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The treatment operation and maintenance includes replacement.

72. Organic Matter

"Organic Matter" means chemical substances of animal or vegetable origin, or more correctly, of basically carbon structure, comprising compounds consisting of hydrocarbons and their

derivatives.

73. Passthrough

"Passthrough" means the discharge of Pollutants through the POTW into navigable waters in quantities or concentrations, which alone or in conjunction with the discharges from other sources, 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).

74. Person

"Person" means any individual, partnership, co-partnership, firm, company, association, society, trust, estate, corporation, public corporation or governmental entity, or any other legal entity; or their representatives, agents, or assigns. This definition includes all federal, state and local governmental entities.

75. pH

"pH" means a measure of the acidity or alkalinity of an aqueous solution. It is defined as the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter of solution.

76. Phosphorus

"Phosphorus" means the total concentration of all forms of organic and inorganic phosphorus compounds in Wastewater, expressed in milligrams per liter (mg/l) as phosphorus. Quantitative determinations shall be made in accordance with procedures set forth in 40 CFR 136 methods.

77. Point of Discharge

"Point of Discharge" means any discernible, confined and discrete conveyance or vessel from which Wastewater and Pollutants are or may be discharged into a public waterway or Public Sewer system.

78. Polar material

Polar material is a method-defined parameter that measures the presence of that portion of materials extractable in the solvent n-hexane and absorbed by silica gel, see Method 1664.

79. Pollutant

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage Sludge, munitions, medical wastes, metals, organic material, inorganic material, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, Temperature, TSS, Turbidity, Color, BOD, COD, Toxicity, or odor).

80. Pollution

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

81. Pollution Prevention

Pollution Prevention is defined as waste reduction prior to recycling, treatment, or disposal. It may be accomplished by incorporating in-plant processes that reduce, avoid or eliminate

the use of the toxic materials and/or generation of pollutants and wastes so as to reduce risks to human health and the environment, preserve natural resources through conservation and to assist users in meeting local discharge limits.

82. POTW or Publicly Owned Treatment Works

"POTW" means a treatment works as defined by Section 212(2)(A) of the Act which in this case is located at 797 Central Avenue, Wyandotte Michigan, and is owned by the Authority. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or Industrial Wastes of a liquid matter. It includes Sewers, pipes and other conveyances, conveying Wastewater to the POTW Treatment Plant, owned or operated by the Downriver Utility Wastewater Authority or the drainage districts or governmental entities tributary thereto.

83. POTW Treatment Plant

"POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and Industrial Waste.

84. Pretreatment

"Pretreatment" means the treatment of Wastewater before introduction into a publicly owned Sewer system. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutants, or Pollutant properties in Wastewater to a less harmful state prior to or in

lieu of discharging or otherwise introducing such Pollutants into the POTW. (40 CFR 403.3 (q)) 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 403.6 (d), as amended.

85. Pretreatment Requirements

"Pretreatment Requirements" means any substantive or procedural requirement related to Pretreatment other than a National Pretreatment Standard imposed on an Industrial User.

86. Pretreatment Standards

"Pretreatment Standards" means any local, State or Federal regulation containing Pollutant discharge limits. This term includes local limits, prohibitive discharge limits including those promulgated under 40 CFR 403.5, and the Categorical Pretreatment Standards, alternative discharge limits, or other Federal, State, or local standards, whichever are applicable.

87. Primary Treatment

"Primary Treatment" means the quiescent sedimentation of Wastewater with skimming, collection, and removal of settled Sludge, floating debris, and grease.

88. Priority Pollutant

"Priority Pollutant" means any compound which appears on the USEPA list of 129 priority Pollutants comprised of metals, toxic organics and materials, such as asbestos, which require

treatment.

89. Private

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

90. Proprietary

"Proprietary" means exclusive rights to ownership or control of patents, formulas, and processes associated with production.

91. Receiving Waters

"Receiving Waters" means both surface and under Groundwaters including all ponds, lakes, rivers, streams, public ditches or public drainage systems, other than those designated to collect, convey or dispose of sanitary sewage.

92. Residential User (Domestic User)

"Residential User" means any User whose sanitary sewage emanates from a property primarily used as a domicile, including multiple dwellings and whose sewage characteristics are within the definitions of Domestic Waste.

93. Secondary Wastewater Treatment

"Secondary Wastewater Treatment" means the treatment of Wastewater by biological methods after primary treatment.

94. Service Area

"Service Area" means the geographic area where wastewater is transported and treated by the Downriver Sewage Disposal System as shown in Exhibit 2 in the DUWA Articles of Incorporation.

95. Severe Property Damage

"Severe Property Damage" means substantial physical damage to 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.

96. Sewer

"Sewer" means a pipe or conduit that carries Wastewater or drainage water.

- (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 intended to receive both Wastewater and storm or surface water.
- (c) Common Sewer - A sewer in which all owners of abutting properties have equal rights.
- (d) DUWA Sewer - A public sewer controlled by the Downriver Utility Wastewater Authority.
- (e) Intercepting Sewer - A sewer that receives dry weather Flow from a number of transverse sewers or outlets and frequently additional pre-determined 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 DUWA sewer.
- (h) Public Sewer - A common sewer operated or owned by a governmental agency or public utility which is connected, discharging, or tributary to a DUWA-owned or operated POTW.
- (i) Sanitary Sewer - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (j) Separate Sewer - "Separate" means a prefix denoting a Wastewater transmission facility which is intended to transport sanitary Wastewater only.
- (k) 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 "storm drain".
- (l) Trunk Sewer - A sewer which connects the lateral to the intercepting sewer and to which building sewers may be connected.

97. Sewerage

See Wastewater.

98. Shall

"Shall" means mandatory.

99. Significant Industrial User (SIU)

- (1) Except as provided in Paragraph (2) of this Subsection, the term Significant Industrial User means:
 - (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, as amended; and
 - (ii) Any other Industrial User that:
 - (a) Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown Wastewater).
 - (b) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant: or is
 - (c) Designated as such by the Authority 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 403.8 (f) (6), as amended].
- (2) Upon a finding that an Industrial User meeting criteria in Paragraph (1) (ii) of this Subsection has no reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard, Requirement or Local limit the Authority may at any time, on its own

initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), as amended, determine that such Industrial User is not a Significant Industrial User.

100. Significant Non-Compliance (SNC)

An Industrial User is in Significant Non-Compliance if its violation meets one (1) or more of the following criteria:

- (a) Chronic violations of Wastewater discharge limits, defined herein as those in which sixty-six (66) percent or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined in by 40 CFR 403.3 (1).
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each Pollutant parameter taken during a six (6) month period equal or exceed the product to numeric Pretreatment Standard or Requirement including instantaneous limits as defined by 40 CFR 403.3 (1) 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 Standard or Requirement as defined by 40 CFR 403.3 (1)(daily maximum, long-term average, *instantaneous limit, or narrative Standard*) that the Authority 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, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Article IV of these Regulations, (40 CFR 403.8 (f) (1) (vi) (B), as amended) to halt or prevent such a discharge.
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit, compliance schedule or conciliation agreement, or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the Authority's Industrial Pretreatment Program.

101. Sludge

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial or Industrial Wastewater treatment plant, water supply plant, or air pollution control facility.

102. Slug (Slug Discharge)

"Slug or Slug Load" means the release of any Pollutant of a non-routine nature, including but not limited to an accidental spill or a non-customary batch discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) to 403.12 (f).

103. Standard Industrial Classification (SIC)

"Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, or the North American Industrial Classification System.

104. Storm Water

"Storm Water" means the excess water running off from the surface of a drainage area during and immediately after a period of precipitation including but not limited to rain, sleet, snow or snow melt. [It is that portion of precipitation and resulting Flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin].

105. Stormwater Transmission Facilities

"Stormwater Transmission Facilities" means all facilities for collecting, transporting, regulating, pumping and storing of

Storm Water.

106. Surcharge

"Surcharge" means an extra charge imposed upon a user of the sewer system to compensate DUWA for its cost of treating, sampling and testing due to the discharge of a Compatible Pollutant into the POTW by the Industrial User.

107. Surface Water

"Surface Water" means:

- (1) All water on the surface, as distinguished from subterranean water, or
- (2) Water appearing on the surface in a diffused state, with no permanent source of supply or regular course for any considerable time, as distinguished from water appearing in watercourses, lakes or ponds.

108. Total PCB (Total Polychlorinated Biphenyls)

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

109. TSS (Total Suspended Solids)

"TSS or Total Suspended Solids means the filterable residue, in milligrams per liter (mg/l), as determined by 40 CFR 136, as amended.

110. Total Adjusted Sewered Water Consumption

"Total Adjusted Sewered Water Consumption" means the water consumption of a district as determined by master water meters so

located as to register the total water consumption in the district; provided, that, if such master meters are not available, the amount of water consumed shall be determined by converting the consumption indicated by the individual water meters in use in the district to the equivalent of master meter indicated consumption by applying the factor hereinafter set forth.

If any premises within the district shall be furnished with Wastewater disposal services but shall be supplied with water not included in the quantity of water as indicated by the master meters, then there shall be added to the amount of water indicated by master meter the amount of water consumed upon all such premises as shown by individual water meters in use thereon, or if there shall be no water meters in use thereon, then as estimated in a manner prescribed or approved by the Authority.

111. Total Phenolic Compounds

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

112. Toxic Pollutant

"Toxic Pollutant" means any Pollutant or combination of Pollutants listed in 40 CFR 401.15 as toxic under the provisions of the Act or listed in the Critical Materials Register promulgated by the MDEQ.

113. Trade Secret

"Trade Secret" means the whole or any portion or phase of any proprietary manufacturing process or method which is not patented, which is secret, which is useful in compounding an article of trade having a commercial value, and the secrecy of which the owner has taken reasonable measure to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes. Trade Secret shall not be construed, for purposes of these rules, to include any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Downriver Sewage Disposal System.

114. Upset

"Upset" as it pertains to Industrial User treatment facilities means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards or local limitations 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.

115. USEPA

"USEPA" means the United States Environmental Protection Agency.

116. User

"User" means any person who contributes, causes or permits the contribution of Wastewater into the sewage works.

117. User Charge

"User Charge" means a charge levied on Users of the POTW for the cost of operations, maintenance and replacement of the POTW.

118. Wastewater

"Wastewater" means a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW. Wastewater may also contain inflow and infiltration and cooling water. See the following definitions modifying Wastewater:

- (a) Combined Wastewater - a mixture of Storm Water and other Wastewater such as domestic or industrial Wastewater.
- (b) Domestic Wastewater - Wastewater derived principally from residential dwellings, business buildings, and institutions. It refers to the waste Flow that originates mainly from the kitchen, bathroom and laundry.
- (c) Industrial Wastewater - Wastewater from industrial and certain commercial operations.

119. Wastewater Survey

"Wastewater Survey" means an investigation of the quality and characteristics of each wastestream, as in an industrial plant or municipality.

120. Weir

"Weir" means a device that has a crest and some side containment of known geometric shape, such as a V, trapezoid, or rectangle, and is used to measure or restrict the flow of a liquid. The liquid surface is exposed to the atmosphere. Flow is related to upstream height or water above the crest, to position of crest with respect to downstream water surface, and to geometry of the weir opening.

121. Other Terms Not Defined Herein

Words, phrases and terms not otherwise defined shall be interpreted according to their common and ordinary meaning. Words and phrases used in the present tense include the future tense; words and phrases in the masculine gender include the feminine and neuter genders; and the singular number includes the plural, and the plural number includes the singular.

122. State or Federal Regulations or Standards Incorporated
by Reference

A state or federal law, regulation or standard which is incorporated by reference into these Regulations means that version which is in effect on the date of approval of these Regulations.

ABBREVIATIONSSection 2 - Abbreviations

APHA	American Public Health Association
AWWA	American Water Works Association
BOD	Biochemical Oxygen Demand
CDBPWA	County Department and Board of Public Works Act, Act 185 of 1957, as amended
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act (Chapter 26 of the Federal Water Pollution Control Act of 1972, (Public Law 91-500), as amended)
DUWA	Downriver Utility Wastewater Authority
FWPCA	Federal Water Pollution Control Act of 1972, (Public Law 91-500), as amended
FOG	Fats, Oils and Grease
L	Liter
MG	Milligrams
MG/L	Milligrams Per Liter
MDEQ	Michigan Department of Environmental Quality
MRP	Mercury Reduction Plan
NPDES	National Pollutant Discharge Elimination System
NREPA	Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended
OM&R	Operation Maintenance & Replacement

POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act of 1976 (Public Law 94-580), as amended
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901, et seq
TSS	Total Suspended Solids
USC	United States Code
USEPA	United States Environmental Protection Agency
WEF	Water Environment Association

ARTICLE II

PERMIT REQUIREMENTS

Section 1. - Prohibited Acts

In addition to the prohibitions and requirements of Section 2 of Article IV of these Regulations, the following prohibitions apply:

(a) No person without a currently valid permit from the Authority of the prescribed class, shall make or cause to be made:

- (1) A connection or alteration to the DUWA POTW or sewer; or
- (2) An installation of a master pumping station or an industrial Wastewater connection to public Wastewater facilities which flow into a DUWA POTW or DUWA sewer.

(b) No Person, who holds a currently valid permit from the Authority of the prescribed class, shall make or causes to be made:

- (1) A Wastewater discharge which is in excess of the maximum permitted volume, or
- (2) A Wastewater discharge which contains any Pollutants which are in addition to those reported in the application for the currently valid permit or in concentration in excess of the limitations in the User's valid permit.

(c) No Person, who after receipt of notice of suspension or

revocation of a permit, shall continue or cause to be continued the discharge, installation, or construction originally authorized by the permit.

(d) No Person, within ten days after notice of order by the Authority, shall fails to Bulkhead or to have Bulkheaded a Wastewater connection.

(e) Any fines referred to in the provisions of this Section shall be imposed in accordance with 6.10.2 of Article IV of these Regulations.

Section 2. - Classes of Permits

The Authority may grant permits for the following six (6) classes of activity:

Class A for Building Sewer connections to a DUWA sewer;

Class B for Municipal Sewer connections to a DUWA sewer;

Class C for alterations to DUWA Wastewater facilities;

Class D for discharge of Wastewater to a Public Sewer;

Class E for installation of Master Pumping Stations;

Class F for private connections to a DUWA Sewer.

Section 3. - General Conditions

All classes of permits are subject to the following conditions:

(a) A Person shall not alter, modify, make changes to, or tamper with a DUWA POTW or DUWA sewer in any way without prior written permission to do so from the Authority.

(b) An applicant shall provide a permit application to the Authority with all supporting data requested on the application form and

instructions as issued by the Authority, and shall further make full payment of the specified filing fee.

- (c) The applicant or applicant's contractor shall expressly assume liability for all costs and expenses for the work related to a permit, and shall further indemnify the Authority, the local municipality and their agents for any loss or damage which may be directly or indirectly caused by performing the permitted work.
- (d) The Authority shall not issue a permit until:
 - (1) Each municipality within which the facility is to be located has had reasonable opportunity to review and comment upon the application and draft permit;
 - (2) Each municipality to be served by the proposed facility has approved the application; and
 - (3) If required, a construction permit for the proposed facility has been issued by the MDEQ.
 - (4) Class D Permits are not subject to the conditions stated in Section 3(d)(2) and (3) of this Article.
- (e) All construction work authorized under a permit shall be performed in accordance with standards and specifications issued by the Authority. The Authority may grant a minor variance in location and detail from those standards and specifications, but only in writing which writing shall not be effective unless entered upon both the Authority's and the applicant's copy of the permit.
- (f) If a permit authorizes any physical contact with a DUWA

Wastewater facility, the permit-holder shall notify the Authority 48 hours prior to making the excavation which enables that contact. That excavation and all closely related construction shall be performed only within the immediate presence of a DUWA inspector. The full actual cost of the inspector shall be reimbursed to the Authority by the applicant, in accordance with any fee schedule as may be established and adopted by the Authority.

- (g) For a compelling and public good cause stated in writing and subject to the conditions of various existing contracts between DUWA and affected municipalities, the Authority may at any time revoke the authority granted in a permit. An applicant shall expressly waive any claim for damages which may arise if a permit is revoked and a connection is Bulkheaded for any compelling and public good cause or interest.
- (h) Subject to the procedures specified in Article IV of these Regulations, the Authority may at any time suspend or revoke a permit if the holder is found by the Authority to be in violation of a term or condition of the permit. The Authority may also limit or restrict the number of new connections if sufficient capacity is not available in downstream facilities, such as, pumping stations, intercepting Sewers, Local Sewers, or the treatment plant.

Section 4. - Specific Conditions

Specific classes of permits are subject to the following specific

conditions:

(a) Class A Permits - Building Sewer connections to a DUWA Sewer (sanitary connections only):

(1) Connections to DUWA Lateral and Trunk Sewers shall be made with a standard wye and riser.

(2) Permission may be granted for individual Building Sewers to be connected to a DUWA Intercepting Sewer, subject to the following conditions:

(A) No Municipal Sewer or other individual connection manhole is available within 300 feet of the property to be served.

(B) The building served will contribute less than 2000 gallons of domestic Wastewater per day.

(C) The Sewer system tributary to the connection shall only serve property owned and managed by the owner applicant. If any property, not owned and managed by the owner applicant, shall be connected to that tributary Sewer system, the permit shall be automatically voided. Permission may be granted, however, to connect one building on either side of a building for which the initial connection has been permitted, to a manhole installed with the initially permitted connection.

(D) The portion of the Building Sewer connection lying within the public right-of-way shall become the

property of the local municipality.

(E) If Municipal Sewers become available to the subject property, the permit shall be voided and the owner shall be required to connect to the Municipal Sewer system.

(b) Class B Permits - Municipal sewer connections to a DUWA Sewer (sanitary connections only):

A Class B Permit shall not be issued until the plans for the Sewer system tributary to the connection have been approved by the Authority and by all other appropriate agencies.

(c) Class C Permits - Alterations to DUWA Wastewater facilities:

(1) Conditions shall be added to the permit which are reasonably calculated to maintain services during the alteration of facilities.

(2) The applicant shall post a cash bond in an amount to be determined by the Authority for all expenses incurred by the Authority in connection with all work necessitated by such alterations.

(3) The applicant shall dedicate any required easement to the Authority.

(d) Class D Permits - Industrial connections to a Public Sewer:

(1) All Users identified as Significant Industrial Users, as defined in Article I, are required to obtain a Class D Permit.

(2) A Class D Permit shall be valid for no more than five years,

but may be reissued.

- (3) A Class D Permit shall be valid only for the discharge of those Pollutants reported in the permit application. A permit must be modified before discharge of any Pollutant not reported in the application for a currently valid Class D Permit.
 - (4) A Class D Permit shall be modified if the average daily discharge volume in a calendar month exceeds one hundred fifty percent of the average daily discharge volume reported in the permit application.
 - (5) A Class D Permit holder must pay a surveillance fee.
- (e) Class E Permits - Master Pumping Stations:
- (1) A Class E Permit shall be required for all Master Pumping Stations connected to the Public Sewer system.
 - (2) A Class E Permit shall be valid only for that pumping capacity stated on the permit. A Person shall not increase capacity without a new permit.
 - (3) Pumping stations shall conform to the requirements set forth in Section 5 of Article III of these Regulations.
- (f) Class F Permits - Private connection to a DUWA Sewer:
- (1) The applicant shall construct the facility in accordance with plans approved by the Authority.
 - (2) Land to be drained must be within the drainage district or be so included by agreement.

ARTICLE III

DESIGN AND CONSTRUCTION REQUIREMENTS

FOR WASTEWATER TRANSMISSION FACILITIES

All Wastewater transmission facilities connecting directly or indirectly to DUWA Wastewater facilities shall be designed and constructed in accordance with the following minimum requirements. The Authority may deny a connection permit for a transmission facility which is not in substantial compliance with these design and construction standards and conditions, or for which a satisfactory schedule cannot be agreed upon to bring it into compliance.

Section 1. - General

- (a) All sewer systems connecting directly or indirectly to a DUWA Sewer shall be approved by each municipality to be served by the proposed facility and by the Authority. DUWA approval shall not be given until each municipality in which the proposed facility is to be physically located has had a reasonable opportunity to review and comment on the plans and specifications for the facility.
- (b) If a Sewer project is not under construction or contract awarded within two years of approval by the Authority, the approval shall be void, unless an extension of time has been approved by the Authority.
- (c) Construction shall not commence until all applicable local, State and Federal permits have been obtained.
- (d) New Public Sewer systems shall not be placed in service

until test results have been reviewed by the Authority. Within two working days of receipt of those results, the Authority will accept or reject the system. If the Authority has not acted within that time, the project may be placed in service. The Authority's approval is also subject to the receipt of acceptable as-built plans within 90 days of acceptance of the system.

- (e) Any Sewer which services two or more separate buildings or dwellings shall be a Public Sewer, unless the buildings are part of a singly-owned industrial complex or a public complex where future division of ownership is not anticipated.
- (f) New construction shall be limited to separate Wastewater transmission facilities, which outlet into a separate system. (See Section 2 of this Article.)
- (g) Pumping systems will not be approved where, in the opinion of the Authority, it is feasible to construct gravity Sewer systems.
- (h) For items not specifically covered herein, the design, in general, shall conform to the "Recommended Standards for Sewage Works" of the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, more commonly referred to as the "10-State Standards."

Section 2. - Design Flows

- (a) Wastewater transmission systems shall be designed on the

basis of an average Flow of 100 gallons per capita per day, unless another Flow is specifically approved by the Authority.

- (b) Sewers shall be designed to carry, when running full, the flows specifically approved by Authority.
- (c) Calculations showing the basis of design shall be submitted to the Authority, except for service areas which are to be served by 8" Sewers.

Section 3. - Sewers

(a) General

- (1) Any generally accepted material for Sewers will be given consideration, but the material selected should be adapted to local conditions, such as character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, bedding, abrasion and similar problems.
- (2) Sewer joints and materials shall be designed to minimize infiltration and to prevent the entrance of roots.
- (3) All Sewer systems shall be designed so as to limit infiltration to 200 gallons per inch of pipe diameter per mile of Sewer per day. All points of future connection to the system shall be sealed to meet leakage restrictions and testing requirements.
- (4) Sewers shall be sufficiently deep so as to prevent freezing. The minimum depth to the top of pipe shall be 42 inches.

- (5) Sewers shall be properly vented.
- (6) A Bulkhead shall be installed at each outlet to an existing system, and shall not be removed until the new Sewer system has been accepted by the Authority.
- (7) Sewers shall be laid at least 10 feet, horizontally, from any existing or proposed water main. A minimum vertical clearance of 18 inches shall be maintained between the top of the Sewer and the bottom of the water main under which it crosses. Vertical clearance of less than 18 inches or crossing of a Sewer over a water main will require that special measures be taken to prevent contamination of the water supply, such as encasement of the Sewer.
- (8) No connections from footing drains, sump pumps, roofleaders, etc. shall be made to the system.
- (9) Tree plantings, for restoration purposes, shall not be permitted within 15 feet of center line of new or repaired Sewers.

(b) Public Sewers

- (1) Sewers shall be a minimum of 8" in diameter.
- (2) Sewers shall be designed for mean velocities, when flowing full, at design flows of not less than 2.0 feet per second, based on Kutter's formula using an "n" value of 0.013. Use of other "n" values may be permitted if deemed justifiable on the basis of research or field data presented.
- (3) Sewers shall be designed with a uniform line and grade

between manholes.

- (4) When a smaller Sewer joins a larger one, the invert of the larger Sewer shall be lowered at least enough to maintain the 0.8 depth point of both Sewers at the same elevation.
- (5) Where velocities greater than 15 feet per second may be attained, special provision shall be made to protect against scouring and thrust displacement.

(c) Building Sewers

- (1) A separate Building Sewer shall be provided for each building or dwelling.
- (2) The building Drain connection to the Building Sewer shall be sealed by an approved method and encased in concrete to provide a water tight seal.
- (3) Building Sewers shall be designed and installed so as to limit infiltration to 200 gallons per inch of Sewer diameter per mile of Sewer per twenty four hours, and local public authorities shall conduct testing programs which will assure substantial conformance with this infiltration requirement.
- (4) Building Drain inlets shall be sealed by an approved method during construction and seals shall not be removed until plumbing is carried to the first floor, basement walls are backfilled, the footing drain system is operating, and such other precautions have been taken as are necessary to insure that no Storm or Ground Water will enter the Sanitary Sewer.
- (5) No wyes, cleanouts or similar appurtenances shall be

connected to a Building Sewer or a building Drain outside the walls of the building except where specifically required by local building codes. Where so required, such appurtenances shall be sealed by an approved method so as to insure that no Storm or Groundwater will accidentally or intentionally be admitted through the appurtenances.

- (6) No trap shall be installed in the building Drain between the main vent and the Building Sewer.
- (7) Minimum grade of Building Sewers shall be 1 foot per 100 feet (1.00%).
- (8) Building Sewers shall not be connected to manholes except from the upstream side of a terminal manhole.

Section 4. - Manholes

- (a) Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; and at all intersections. Spacing between manholes shall not exceed 400 feet, on runs of Sewer 48 inches in a diameter or less. On runs of Sewer greater than 48 inches in diameter, spacing of manholes shall be approximately 100 times the diameter of the Sewer.
- (b) Manholes constructed in road right-of-way shall be located away from open ditch drainage systems so that no portion of any manhole protrudes into the drainage ditch. If necessary, the open ditch system shall be relocated or enclosed adjacent to the manhole to provide complete cover

around the manhole.

- (c) Manhole construction shall be precast concrete with modified grooved tongue joints and gasket unless otherwise approved by the Authority.
- (d) Manhole steps shall be constructed of cast iron unless otherwise approved by the Authority.
- (e) A standard drop connection shall be provided for a Sewer whose invert is at an elevation of 18 inches or more above the spring line of the existing Sewer. Where the difference in elevation between the invert of incoming Sewer and the manhole invert is less than 18 inches, the manhole should be filleted to prevent solids deposition.
- (f) The minimum inside diameter of manholes shall be 48 inches, and drop connections or other permanent devices (except manhole steps) which would reduce any clear inside dimension to less than 48 inches, shall not be installed in a manhole.
- (g) There shall not be less than 10" of undisturbed concrete between adjacent openings in the manhole nor shall more than 50 per cent of the circumference along any horizontal plane be removed without special reinforcing or strengthening of the walls as approved by the Authority.
- (h) Perforated manhole covers shall not be used; where venting is required, vent pipes shall be installed.
- (i) Lock-down pressure-tight frames and covers shall be used in the following locations:

- (1) Lock-down pressure-tight covers shall be required in flood plain areas located below 100-year flood elevation.
 - (2) Manholes in easements which are not parallel and adjacent to public rights-of-way shall be constructed with lock-down pressure-tight covers to limit Storm Water drainage into the Sanitary Sewer system and prevent dumping of other deleterious matter into the manholes.
- (j) The flow channel through manholes shall be made to conform in shape and slope to that of the Sewers.
- (k) Control manholes required under these Regulations or local Ordinance, shall be constructed in accordance with the standards of the Authority.

Section 5. - Pumping Stations

(a) Municipal

(1) General

- (A) The maximum discharge rate shall not exceed the flows indicated in the Sanitary Sewer design approved by the Authority.
- (B) Provision of an emergency power supply for pumping stations shall be made, and may be accomplished by connection of the station to at least 2 independent public utility sources, or by provision of portable or in place internal combustion engine equipment which

will generate electrical or mechanical energy, or by the provision of portable pumping equipment.

- (C) Pumping stations shall be equipped with a high water alarm.
- (D) Where, in the opinion of the Authority the operation of a pumping station becomes critical to the operation of the DUWA Wastewater facilities, the Authority shall assume jurisdiction for operation and maintenance of the pumping station.

(2) Master Pumping Stations

- (A) Master Pumping Stations with capacities in excess of 50 GPM shall be equipped with an approved recording totalizing flowmeter and a wet well recorder. Copies of Flow records shall be forwarded to the Authority at the end of each month's operation. Copies of the wet well level recorder shall be forwarded to the Authority as requested.
- (B) No change which will increase the authorized pumping capacity of the Master Pumping Station may be made without the written consent of the Authority.
- (C) Master Pumping Stations exceeding 250 GPM capacity or 10% of the hydraulic capacity of the treatment facility shall be designed for variable speed operation.
- (D) Design Period

- (i) "Variable Speed" pumping stations shall have a maximum design period of 20 years provided that the pumping system's lowest effective pumping rate, which does not harm the pumps, is no greater than the maximum allowable rate of Wastewater Flow anticipated five years from the time the station is placed in service.
 - (ii) "Constant Speed" pumping stations shall have a maximum design period of five years from the time the station is placed in service. Provisions for increasing capacity in 5-year increments may be incorporated in the original construction.
- (b) Private
- (1) Pumping stations having capacity in excess of 50 GPM shall comply with all requirements of municipal pumping stations.
 - (2) The municipality shall keep records of all stations of 50 GPM or less, to be furnished to the Authority on request.
 - (3) Where in the opinion of the Authority, private pumping systems create a burden on the Wastewater facilities, they will require the municipality to install public facilities to correct the situation.

Section 6. - Force Mains

- (a) At design average Flow, a cleansing velocity of at least 2

feet per second shall be maintained.

- (b) An automatic air relief valve shall be placed at high points in the force main to prevent air locking.
- (c) If disposal facilities are available, blow-off or flushing arrangements are desirable at low points in the force main.
- (d) Access points for maintenance shall be placed along the force main at distances not exceeding 500 feet.
- (e) A velocity reducing device shall be required at the juncture of the force main with the gravity Sewer.
- (f) Force mains should enter the gravity Sewer system at a point not more than 24 inches above the Flow line of the receiving manhole or shall have drop connection approved by the Authority.

Section 7. - Inverted Siphons

- (a) Inverted siphons shall have not less than two barrels.
- (b) The minimum pipe size shall be 6 inches.
- (c) The terminal manholes shall have adequate clearances for rodding and shall be equipped with the necessary appurtenances for convenient flushing and maintenance.
- (d) The inlet and outlet details shall be arranged so that normal flow is diverted to one barrel, and so that either barrel may be taken out of service for cleaning.
- (e) Sufficient head shall be provided and pipe sizes selected to obtain a velocity of at least 3.0 feet per second for average daily flows at ultimate design.

- (f) The smallest pipe shall be designed to obtain a minimum velocity of 3.0 feet per second for the maximum daily Flow anticipated 5 years from installation.

Section 8. - Testing

The Authority shall be notified one working day in advance of all post-construction testing. The following tests shall be performed by qualified personnel approved by the authority and a written report furnished to and approved by the Authority prior to placing any public facility in service:

(a) Sewer Systems:

- (1) Visible and audible checks shall be made of the Sewers and manholes and all leaks repaired prior to testing.
- (2) All Sewer lines, which are not inspected by walking or crawling through the Sewer, shall be televised for misalignment, infiltration, for defective pipe or joints and for debris. For a point of clarity, pipe size 30" diameter and smaller shall be televised.
- (3) Leakage tests shall be conducted on all new Sewer lines and existing lines which have not been previously approved.
- (4) All Sewers shall be subjected to air, infiltration or exfiltration tests, or a combination of same, prior to acceptance by the Authority. All Sewers over 24" diameter shall be subjected to infiltration tests before initial start-up. All Sewers of 24" diameter or smaller, where the Ground Water level above the top of the Sewer is over 7

feet, shall be subjected to infiltration tests. All Sewers of 24 inch diameter or less, where the Ground Water level above the top of the Sewer is 7 feet or less, shall be subjected to air tests or exfiltration tests. If an exfiltration test is performed, the maximum exfiltration rate shall be the same as that permitted from infiltration. For the purpose of exfiltration testing, the internal water level shall be equal to the external water level plus seven (7) feet as measured from the top of pipe, and the elevation must be at least as high as the highest house service.

(5) Maximum allowable infiltration shall not exceed 200 gallons per inch of diameter per mile of pipe between manholes per 24 hours for any section of the system and shall include the infiltration from all manholes and other appurtenances.

(6) The procedure for air testing of Sewers shall be as follows:

All house leads shall be properly plugged and blocked to withstand the air pressure. 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 3-1/2 inches and 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 4.0 PSIG greater than the greatest back pressure caused by Groundwater over the top of the Sewer pipe. At least 2 minutes shall be allowed for the air pressure to stabilize between 3.5 and 4.0 PSIG. If necessary, air shall be added to the Sewer to maintain a pressure of 3.5 PSIG or greater.

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 be in accordance with the standards of the Authority.

Manholes on Sewers to be subjected to air tests shall be equipped with a 2 inch diameter galvanized capped pipe nipple extending through the manhole wall, 3" into the manhole 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 removed and the hole in the manhole wall shall be plugged with hydraulic cement.

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.

(b) Pumping Systems

Tests shall be conducted to verify performance curves of each pumping device installed in the system.

(c) Force Mains

When practicable, tests shall be made on sections between valves, or sections not exceeding 2,000 ft. in length. Dead ends, bends and other fittings shall have a firm foundation and be securely blocked against the trench walls before testing or completing the backfill as specified.

Before applying test pressure, all air shall be expelled from the

pipe. If necessary to accomplish this, taps shall be made at the points of highest elevation, and such openings subsequently closed, prior to test, with tight threaded brass plugs.

Test pressure shall be maintained at 50 pounds per square inch, by pumping water into the pipe, for a period of at least one hour, and for such longer time as may be required to permit a thorough examination to be made of all exposed joints in the section of main being tested.

Leakage, as measured by the quantity of water pumped into the pipe to maintain the test pressure of 50 pounds per square inch during the test period, shall not exceed a rate of 50 U.S. gallons per inch of diameter of main per mile of pipe in 24 hours.

Section 9. - Plans

- (a) Five (5) sets of plans shall be submitted for approval for all Wastewater transmission facilities connecting directly or indirectly to DUWA Sewers.
- (b) The following data shall be incorporated in the plans:
 - (1) Each set of plans shall be approved and signed by the officially designated municipal engineer, who shall be a registered civil engineer.
 - (2) Each set of plans shall bear the seal of the registered civil engineer who is responsible for the plans.
 - (3) A listing of all Sewer lengths and diameters for the proposed Sewer shall accompany the plans.

- (4) A location map indicating 1/4 section in which the project is located.
- (5) When more than one sheet is required for the plan, a small scale overall plan shall be shown.
- (6) Two bench marks shall be indicated on each plan sheet.
- (7) On instances where the Authority has no record of the existing Sewer to which a proposed Sewer is to be connected or where the existing Sewer is not shown in accordance with previously approved plans, as built plans of the existing Sewer and evidence of acceptable leakage tests shall also be submitted for approval.
- (8) All existing Sewer inverts must be field measured and shall be so designated on the plan.
- (9) A profile including inverts, gradient, length and drop connections shall be shown for each run of Sewer or force main.
- (10) Existing and proposed utilities shall be shown on plan and profile.
- (11) Manholes shall be numbered on plan and profile.
- (12) The locations of existing or proposed stoppers and Bulkheads shall be indicated on the plan.
- (13) Proposed or existing curb or sidewalk grades of streets adjacent to the Sewer shall be shown on the profile.
- (14) Basement grades shall be shown for existing and proposed houses where the Sewer is less than 10 feet deep or a note

stating no basements, or the method of serving basements shall be included.

- (15) Allowable types of pipe, joints and stoppers for Public and Building Sewers shall be indicated on the plans.
- (16) Dead end Sewers shall be designated as follows: "To facilitate future construction only, no house leads allowed until terminus manhole is constructed."
- (17) An easement shall be designated on the plan for each run of Public Sewer not in public right-of-way. The minimum easement shall be 12 feet, however the rear easement on subdivision lots may be reduced to 6 feet where there is no contiguous subdivision.
- (18) Details of pipe bedding, Building Sewers, drop connections, Bulkheads, manholes, manhole covers, and other appurtenances shall be submitted with the plans.
- (19) The following notes shall appear on the plans:
 - (A) No connection receiving Storm Water, Surface Water, or Ground Water shall be made to Sanitary Sewers.
 - (B) Infiltration for any section of Sewers between manholes shall not exceed 200 gals./inch dia./mile/hours.
 - (C) All elevations are based on Wayne County datum, (USCGS)
 - (D) No footing drains shall be connected to the Building Sewer.

- (E) Differential of excavation around existing manholes shall not exceed 6 feet.

Section 10. - Existing Sewer Systems

(a) Alterations to Existing System:

(1) General

No work shall be performed on existing Sewer systems which would change the capacity of the system or would result in non-conformity with these Regulations, except by written permission of the Authority.

(2) Manholes

When it is necessary to excavate adjacent to manholes or similar structures, the excavation shall extend around the entire perimeter, so that the differential of excavation on opposite sides of the structure does not exceed 6 feet, unless written permission is obtained from the Authority.

(3) Siphons

Siphons shall not be constructed in existing Sewers, except where it can be demonstrated to the satisfaction of the Authority that such siphons will not have a detrimental effect on the maintenance of the Sewer nor the hydraulic gradient of the system.

(b) Approval of Existing Systems as Public Systems:

- (1) Sewer systems not having been previously approved as Public Sewers may be accepted as Public Sewers provided they meet all requirements of these Regulations.

- (2) The Authority shall perform or designate a registered engineer to perform such tests on the Sewer as it deems necessary. All costs of performing such tests shall be borne by the owner of the facility.

Section 11. - Combined Sewer Systems

(a) Existing Combined Sewer systems will be permitted to continue in service subject to the following restrictions:

- (1) Connections from the combined system shall be through adjustable regulators which limit Flow into the Intercepting Sewer to 325% of the average daily dry weather flow rate, unless otherwise permitted by the Authority.
 - (2) The Authority shall have jurisdiction for the operation and maintenance of all regulators.
 - (3) The municipality shall report water consumption by regulator districts.
 - (4) The municipality shall agree to pay charges for operation, maintenance and updating of regulators, as established by the Authority.
 - (5) New construction shall not be subject to the design and construction requirements pertaining to separate Wastewater transmission systems.
- (b) Sanitary Sewer systems may not outlet into existing Combined Sewers except when the cost of a separate sanitary

Intercepting Sewer is regarded by the Authority to be disproportionate to the cost of the sanitary system and when an approved preliminary plan for a sanitary outfall or Sewer separation is on file with the Authority.

ARTICLE IV

DISCHARGE OF WASTEWATER INTO PUBLIC SEWERS

This Article has as its purpose the protection of the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of Wastewater admitted to or discharged into a POTW owned or operated by the Downriver Utility Wastewater Authority, wherein, the Authority is the Control Authority as defined in 40 CFR 403.12(a) and is administering the federally mandated Industrial Pretreatment Program. Its further purpose is to allow DUWA to comply with all applicable State and Federal laws as required by the CWA of 1977 as amended and the General Pretreatment Regulation (40 CFR 403).

This Article is enacted in accordance with the authority and requirements of the FWPCA, the NREPA and the CDBPA.

Section 1 - General Provisions

1.01 Purpose and Policy

This Article sets forth uniform requirements for Dischargers into the POTW, and enables the Downriver Utility Wastewater Authority to protect the public health in conformity with all applicable State and Federal laws relating thereto.

The objectives of this Article listed in priority order are:

- (a) To prevent the introduction of Pollutants into the POTW which will interfere with the normal operation of the system or which will interfere with the use or disposal of the Wastewater Sludge by the POTW.
- (b) To prevent the introduction of Pollutants into the POTW 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;
- (c) To improve the opportunity to recycle and reclaim Wastewater and Sludge from the system.

This Article provides for the regulation of discharges into the POTW through the issuance of permits, execution of binding contracts, and enforcement of Downriver Utility Wastewater Authority Sewer Use Regulations.

Section 2 - Requirements

2.01 Discharge Prohibitions

Users introducing Pollutants into a POTW, whether or not the User is subject to other national Pretreatment Standards or any national, state or DUWA Pretreatment program requirement shall be subject to the following General and Specific Prohibitions:

2.01.1 General Prohibitions

No User shall discharge or cause to be discharged, directly or indirectly, any substance or Wastewater which causes Passthrough or Interference with the operation of the POTW.

2.01.2 Specific Prohibitions

No User shall discharge or cause to be discharged, to the POTW, directly or indirectly, any of the following pollutants, substances, or wastewater:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140⁰ F) or 60 degrees Centigrade (60⁰ C) as determined by test methods specified in 40 CFR 261.21, as amended. Examples of these substances are, but not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, carbides, hydrides and sulfides.
- (b) Any solid or viscous substances which will solidify and cause obstruction to the Flow in a Sewer or other interference with the operation of the Wastewater treatment facilities such as, but not limited to: grease, tar, ashes, bones, cinders, sand, straw, metal, glass, wood, plastics, any material which can be disposed of as trash or any insoluble particles greater than one-half inch (2" or 1.27 CM) in any dimension.
- (c) Any Wastewater having pH lower than 5.0 or greater than 11.5

or having the potential to cause corrosive damage to the Sewerage system structures and equipment or health hazards to worker safety.

- (d) Any Pollutant which either singly or by interaction with any other substances, may cause a public nuisance or result in the presence of toxic gases, vapors or fumes within the Sewerage system in a quantity that may cause acute worker health and safety problems.
- (e) Any Slugload of any Pollutant, including oxygen demanding Pollutants, which is released in a single extraordinary discharge episode of such volume or strength as to cause Interference or Passthrough.
- (f) Any Wastewater containing radioactive wastes or isotopes of such halflife or concentration which exceed limits established by applicable State or Federal regulations.
- (g) Any Wastewater or heat which will inhibit biological activity in the treatment plant(s) resulting in Interference, but in no case in such quantities that the temperature at the POTW Treatment Plant(s) exceeds 40 degrees Centigrade (104° F) or with a temperature at the introduction into the Public Sewer system which exceeds 66 degrees Centigrade (66° C) OR 151 degrees Fahrenheit (151° F).
- (h) Any substance with objectionable color not removed in the treatment process; such as, but not limited to, dye wastes

and vegetable tanning solutions.

- (i) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Passthrough.
- (j) Sludges from Pretreatment processes, potable water treatment, municipal or Industrial Wastes, which are not completely amenable to conventional Wastewater treatment.
- (k) Any substance which may cause the POTW's Effluent or treatment residues, Sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (l) Any trucked or hauled Pollutants, except as agreed to and discharged at points designated by the Authority.
- (m) Any Wastewater which contains an insoluble substance having a specific gravity greater than 2.65.
- (n) Any substance which will cause the POTW to violate its NPDES Permit, the Receiving Water quality standards, the national air quality standards or any other applicable permit, order, statute, regulation, or limitation.
- (o) Any discharge from roof downspouts, surface Drains or other sources of uncontaminated surface runoff or Groundwater to a Building Sewer or building Drain which in turn is connected directly or indirectly to a Public Sanitary Sewer. This provision does not apply to an existing combined Sewer area.
- (p) Any Wastewater which exceeds the Local limitations set forth

in Appendix A, which is incorporated into and made a part of these Regulations, except as provided in Section 2.01.3 of this Article below.

2.01.3 BOD Mass Based Limits

For BOD, the Authority reserves the right to impose mass based limits in lieu of the concentration limits set forth in Appendix A, where the Authority determines a mass based limitation is appropriate. A User will be considered to be in compliance with the BOD limit contained in these Regulations if the User complies with the mass loading limitations and related conditions specified in the User's Class D permit. Affirmative Defenses available to a User are set forth in Section 6.09 of this Article.

2.02 Pretreatment Requirements

2.02.1 National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended are hereby incorporated into these Regulations and made a part hereof.

Industrial Users shall provide necessary Wastewater treatment as required to comply with the most stringent of these Regulations, Federal Pretreatment Standards, as established by 40 CFR Chapter N, Subpart I, State Standards and permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment

Standards by applicable deadlines.

Any facilities required to pretreat Wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. The review and approval of plans and operating procedures does not relieve the Industrial User from complying with the provisions of these Regulations and permit conditions. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and approved by the Authority prior to the Industrial User's initiation of the changes.

2.02.2 New Source Compliance Deadline

New Sources shall install and have in operating condition and shall "start-up" all Pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

2.02.3 Conversion of Mass Limitations

When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Authority may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or Effluent concentration for purposes of calculating Effluent limitations applicable to individual Industrial Users.

Equivalent limitations calculated in accordance with 40 CFR 403.6 (c)(3) and (c)(6) shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act and 40 CFR 403. Industrial Users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

2.03 Dilution Prohibited

Except where expressly authorized to do so by an applicable Pretreatment Standard or requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard, Local limitation or requirement. The Authority may impose mass limitations on Industrial Users which are using Dilution to meet applicable Pretreatment Standards, Local limitations or requirements, or in other cases where the imposition of mass limitations is appropriate.

2.04 Spill Prevention and Slug Control Plan

(a) Industrial Users shall provide protection from accidental discharge of substances which may cause Interference at the Wastewater treatment plant(s) by developing spill prevention plans. Where necessary, facilities to prevent accidental discharges shall be provided and maintained at the Discharger's expense. Spill prevention plans shall be approved by the Authority prior to construction.

Review and approval of such plans by the Authority in no way relieves the Discharger of any liability associated with the efficiency or inefficiency of the facilities.

(b) The Authority shall evaluate each Significant Industrial User at least once every two years, and other Industrial Users as necessary, to determine whether a Slug control plan is needed. If the Authority decides a Slug control plan is needed, plans for such a plan shall be submitted to DUWA for approval. Approval of such plans shall not relieve the Industrial User from complying with applicable laws and regulations pertaining to the use, storage or transportation of hazardous substances. Slug control plans shall contain at least, the following:

- (1) Description of discharge practices, including non-routine batch discharges.
- (2) List of chemicals stored.
- (3) Procedures to immediately notify the Authority of Slug discharges, including any discharges prohibited in Section 2.01, with procedures for follow-up written notification within five days.
- (4) Provisions for preventing adverse impact from accidental spills, inspection and maintenance of storage areas, handling and transfer of chemicals, loading and unloading operations, control of plant site runoff, worker training, containment structures,

procedures for containing toxic organic Pollutants and emergency response measures and equipment.

- (c) Significant Industrial Users shall be required to notify the Authority immediately of any changes at its facility affecting potential for a Slug Discharge.
- (d) Signs shall be permanently posted in conspicuous places on the Discharger's premises, advising employees whom to call in the event of a Slug or accidental discharge at a Flow rate and/or Pollutant concentration which will cause Interference with the POTW or a Passthrough. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

2.05 Notification

2.05.1 Notification of Changed Discharge

All Users shall promptly notify the Authority in advance of any substantial change in the volume or character of Pollutants in its discharge including all of the following, if applicable:

- (a) Groundwaters that are purged for remedial action programs.
- (B) Groundwaters containing Pollutants that infiltrate into the Sewers.
- (C) The listed or characteristic hazardous wastes for which the User has submitted initial notification pursuant to Section 2.05.4 of this Article.

2.05.2 Notification of Slug or Spill Discharge

- (a) In the case of any discharge in violation of these Regulations or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any Slug Loadings, as defined in these Regulations, the Industrial User shall notify the Authority of the discharge within one hour of becoming aware of such discharge by telephone at the telephone number listed in the User's Wastewater Discharge Permit. The notification shall include:
- (1) the date, time, location and duration of the discharge;
 - (2) the type of waste including concentration and volume; and
 - (3) any corrective actions taken by the User.
- (b) Within five days following such a discharge the User shall submit a written report describing the cause of the discharge and the measures that will be taken by the User to prevent similar future discharges.
- (c) Such notification shall not relieve the User of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under these Regulations or other applicable State or Federal law.

2.05.3 Self-Monitoring Violations

When sampling performed by an Industrial User indicates a violation, the User shall notify the Authority within 24 hours of becoming aware of the violation. The User shall repeat sampling and Pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation except if:

- (a) The Authority performs sampling at the facility at a frequency of at least once per month or
- (b) The Authority performs sampling between the time the User performs the initial sampling and the time when the User receives the results of this sampling.

2.05.4 Hazardous Waste Notification

Industrial Users shall notify the Authority, the USEPA Regional Waste Management Division Director, and the State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the USEPA Hazardous Waste Number, the type of discharge (continuous, batch, or other), and other requirements set forth in 40 CFR 403.12(p)(1).

2.05.5 Notification of Operating Upsets

- (a) If a Discharger experiences an Upset in operations which

places that Discharger in a temporary state of non-compliance with these Regulations or with a condition of its Wastewater Discharge Permit, the Discharger shall inform the Authority within 24 hours of first becoming aware. The Discharger shall file a written report with the Authority within five (5) days. That report shall specify:

- (1) Description of the Upset, its cause, and impact on the Discharger's compliance status.
 - (2) Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to resume.
 - (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an Upset or other conditions of non-compliance.
- (b) An Upset shall constitute an affirmative defense to an action brought for non-compliance with Categorical Pretreatment Standards if the requirements of the Michigan Administrative Code R 323.2303(3) are met.
- (c) In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- (d) The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards and/or Local limits

upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

2.05.6 Notification of Bypass

- (a) An Industrial User may allow any Bypass to occur which does not violate any Pretreatment Standards, requirements or Local limits, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of Paragraphs (b) and (c) of this Section.
- (b) Notice.
 - (1) If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the Authority, if possible at least ten (10) days before the date of the Bypass.
 - (2) An Industrial User shall submit oral notice of an unanticipated Bypass that exceeds applicable Pretreatment Standards, Requirements or Local limits to the Authority within 24 hours from the time the Industrial User becomes aware of the Bypass. A written report shall also be provided within 5 days of the time the Industrial User becomes aware of the Bypass. The written report shall contain a

description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (c) Prohibition of Bypass.
 - (1) Bypass is prohibited, and the Authority may take enforcement action against an Industrial User for a Bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (B) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The Industrial User submitted notices as required under Paragraph (b) of this Section.
 - (2) The Authority may approve an anticipated Bypass, after

considering its adverse effects, if the Authority determines that it will meet the three (3) conditions listed in Paragraph (c)(1) of this Section.

2.06 Records Retention

A Discharger subject to these Regulations shall retain, preserve and make available upon request of the Authority, State or USEPA for no less than three (3) years, all records, books, documents, memoranda, reports, correspondence and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a Discharger in connection with its discharge.

All records which pertain to matters which are the subject of conciliation action or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

All Users shall also retain any records when requested to do so by a representative of the USEPA, State or DUWA.

2.07 Sample Analysis

All sampling and analysis of the characteristics or samples, to which reference is made in these Regulations, shall be performed pursuant to laboratory procedures set forth in 40 CFR 136 "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or methods 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 ("APHA"), the American Water Works Association ("AWWA") and the Water Environment Federation ("WEF").

Where these two references are in disagreement on procedures for the analysis of a specific Pollutant, the methods given in 40 CFR 136 shall be followed.

Where 40 CFR 136 does not contain sampling and analytical techniques for the Pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the Administrator.

2.08 Confidential Information

(a) Information on an Industrial User derived from written reports, questionnaires, permits, monitoring programs and inspections shall be available to the public or other governmental agencies without restriction unless at the time of submission to the Authority the User specifically requests and is able to demonstrate to the Authority that release of such information would disclose trade secrets or secret processes of the Industrial User.

The User furnishing the report must clearly mark "CONFIDENTIAL" any portion of a report which contains trade

secrets or secret processes. Confidential information shall not be released to the public, but shall be made available upon request to the State and USEPA for uses related to these Regulations, the NPDES Permit or the Pretreatment Program in judicial review or enforcement proceedings involving the Person furnishing the report. However, the information provided shall be treated as confidential by the aforementioned agencies.

- (b) All Effluent data submitted to the Authority will not be recognized as confidential.
- (c) Requests regarding right to inspect, copy or receive copies of all information with respect to an Industrial User, on file with the Authority, shall be processed in accordance with the Michigan Freedom of Information Act. M.C.L.A. 15.231 et seq.

2.09 Right of Entry

Authorized representatives of the Authority, the State and USEPA, upon presentation of credentials, shall have the right to enter the premises of any User who may be subject to the requirements of these Regulations for the purpose of inspecting, sampling, examining records or copying records in accordance with Article V of these Regulations. Denial of entry shall constitute a violation of these Regulations and subject the User to enforcement action.

2.10 Monitoring Facilities

- (a) A permittee shall provide and operate at his own expense, a monitoring facility to enable the Authority to inspect, sample, and measure the Flow of each Sewer discharge. Each monitoring facility shall be situated on the Discharger=s premises, unless the Authority determines that such location would be impractical.
- (b) There shall be ample space in or near a monitoring facility to enable Authority personnel to take and to prepare accurate samples for analysis.
- (c) All monitoring facilities shall be constructed and maintained in accordance with the Authority's standards and all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a permit by the discharger.
- (d) The permit holder shall maintain at his expense, the facility, sampling and measuring equipment where required, at all times in a safe and proper operating condition.

2.11 Inspection and Sampling

- (a) The Authority may inspect the Facility of a User to determine compliance with the requirements of these Regulations. The user shall allow the Authority or its representatives to enter the facility of the User at all reasonable hours. The Authority shall have the right to set

up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

- (b) Where a User has security measures in force which would require proper identification before entry upon their facility, the User shall make necessary arrangements with their security so that upon presentation of identification, personnel from the Authority, the MDEQ and the USEPA will be permitted to enter, without delay. The Authority also reserves the right to copy a Discharger's records, pursuant to 40 CFR 403.12 (o)(2).

SECTION 3 - Charges and Fees

3.01 Purpose

The Authority shall adopt a written rate policy, and from time to time, set rates and charges in accordance with provisions of the sewer service agreements existing between the Authority and the local communities or other entities signatory thereto. These rates and charges shall be designed to recover from the parties and customer classes benefited, the full actual cost of services rendered. Further, the Authority shall require that a User charge system which is acceptable to the State and to USEPA, be instituted by the communities, where applicable.

It is the purpose of this Section to provide for the payment of fees from Dischargers to the Downriver Utility Wastewater Authority, to compensate the Authority for the cost of

administration of the Pretreatment program established herein and to recover treatment costs for excess compatible Pollutants.

Nothing in this Article is intended to prevent a Local community from setting such fees and charges as are necessary for that Local community to recover the cost of services with respect to a locally-owned sewage system.

3.02 Description of Charges and Fees

The Authority shall collect charges and fees, including late fees and interest, directly from the affected Industrial Users for at least the following:

- (a) Annual industrial surveillance fees.
- (b) Surcharges for Compatible Pollutants discharged in excessive concentrations as detailed in Section 3.04 of this Article.
- (c) To recover actual additional costs it may incur in connection with inspecting and enforcement, implementation of the industrial pretreatment program, sampling, testing, handling and treating the wastes not covered by existing Wastewater charges in addition to the annual industrial surveillance fee referred to above.
- (d) Cost of handling and treating wastewater into the sewer, not otherwise provided.

The above charges and fees are separate from any sewage or excess sewage fees collected pursuant to Michigan Public Act 185 of 1957.

3.03 Non-Residential User Fee

The Authority shall adopt as a part of its Schedule of Rates and Charges, a Non-Residential User Fee to be collected by the local contract communities in conjunction with the basic sewage disposal charges from all non-residential Users as identified by the local community. These charges are to be paid to the Authority as part of the sewage disposal billing process.

3.04 Surcharges

Users discharging Wastewater containing excess compatible Pollutants may be assessed a Surcharge to recover the additional costs incurred for treating said excess compatible Pollutants. The threshold concentrations for BOD, TSS and P are as follows:

- BOD 275 mg/1
- TSS 350 mg/1
- P 12 mg/1

These Surcharges shall be calculated and assessed in accordance with a Surcharge policy as approved by the Authority. Such Surcharges shall be credited to the appropriate treatment facilities operation fund.

3.05 Rate Review

Such charges and Fees may be changed from time to time by the Authority, to provide for recovery of the full actual cost of these programs from the users thereof. Before approving a proposed change, the Authority shall provide all proposed Fee and

Surcharge changes, and shall provide an opportunity to review the basis for them, including necessary financial statements, and provide an opportunity to the municipalities to object or comment upon those proposed changes in Fees and Surcharges. The municipalities shall be given the opportunity to review pertinent DUWA records.

DUWA's books and records shall be kept in accordance with generally accepted Accounting Standards.

3.06 Late Filing Fees

A User failing to timely submit any reports as required by Section 5 of this Article or as required by a permit issued in accordance with these Regulations, on the date said report is required to be submitted shall be subject to a late filing Fee as set forth in the Schedule of Rates and Charges as may be adopted by the Authority for Sewerage systems owned and operated by DUWA, and as may be amended from time to time.

Failure to pay the late filing Fees shall subject the User to enforcement actions as determined appropriate by the Authority including the revocation of any permits issued in accordance with these Regulations.

Section 4 - Water Discharge Permits

4.01 Permit Application

(a) Prior to issuing an industrial or commercial Certificate of Occupancy a community contracting for Wastewater services with the Authority shall require each industrial and

commercial Discharger to file an Industrial/Commercial Waste Questionnaire with the Authority. The questionnaire shall serve as the application for obtaining a Wastewater Discharge Permit. All Industrial Users proposing to connect to or to discharge sewage, Industrial Wastes and other wastes to the POTW shall, at least ninety (90) days prior to said connection, complete and file a questionnaire in the form prescribed by the Authority, with a copy to the Local community.

- (b) The Authority will evaluate the data furnished by the User and may require additional information to be submitted. After full evaluation of the data furnished, the Authority shall determine whether the facility is a Significant Industrial User (SIU) or a Non-significant Industrial User.
 - (1) All Significant Industrial Users, as defined by these Regulations and 40 CFR 403.3, as amended, shall be required to obtain a Wastewater Discharge Permit from the Authority in order to discharge any Wastewater into the DUWA Sewerage system.
 - (2) If the Industrial/Commercial Waste Questionnaire evaluation determines that the Industrial User is a Non-significant Industrial User, a permit will not be required.
 - (3) Any User is subject to fines in accordance with Section 6.05 and/or 6.10.2 of Article IV of these

Regulations, imprisonment, or both, who discharges Wastewater, Industrial Wastes or other wastes to a Sewer tributary to a Wastewater facility subject to the jurisdiction of the Downriver Utility Wastewater Authority or to its POTW's, without first complying with the provisions of this Section.

4.02 Permit Contents

Wastewater Discharge Permits shall contain, as appropriate, the following:

- (a) Effective and expiration dates of the permit; (duration not greater than 5 years);
- (b) Fees and charges to be paid as required by the Authority;
- (c) Discharge limitations based on the more stringent of Categorical Pretreatment Standards, Local discharge Limits as established in these Regulations, and State and Local law;
- (d) Limits on average or maximum rate or time or discharge or requirements for Flow regulation or equalization, or any combination of those limits or requirements;
- (e) Requirements for installation, operation and maintenance of the necessary Pretreatment equipment including sampling facilities;
- (f) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the Pollutants to be monitored, sampling location, sampling

frequency, and sample type, based on the applicable General Pretreatment Standards in 40 CFR 403, Categorical Pretreatment Standards, Local discharge Limits, and State and Local discharge Law;

- (g) Compliance schedules;
- (h) Requirements for submission of technical reports or discharge reports if different from those prescribed by these Regulations;
- (i) Requirements for notification of the Authority of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Wastewater treatment system;
- (j) Requirements for notification of spills, potential problems to the POTW including Slug Loadings, Upsets or violations;
- (k) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, requirements, Local discharge Limits, and any applicable compliance schedule;
- (l) Requirements for collecting, retaining and providing access to plant records relating to the User's discharge and for providing entry for sampling and inspection;
- (m) Requirements to develop and implement spill and Slug control plans;
- (n) Statement of non-transferability;
- (o) Conditions for modification or revocation of permit;

- (p) Requirements to develop and implement Best Management Practice(s) or pollution prevention alternative(s) deemed necessary by the Authority to comply with a local limit(s).
- (q) Other conditions as deemed appropriate by the Authority to insure compliance with these Regulations, State and Federal Pretreatment Standards and requirements.

4.02.1 Additional Permit Conditions

In the event that the Authority determines that a User is discharging Pollutants in quality, quantity or in locations that can cause problems to the POTW or the Receiving Waters, the Authority has the authority to develop and enforce Effluent limits applicable to the User.

4.03 Permit Duration

Wastewater Discharge Permits are issued for a five year period unless site specific constraints dictate a shorter time period, but in no case shall the duration exceed five (5) years.

Existing permittees shall apply for permit reissuance a minimum of (90) days prior to the expiration of their existing permit. Upon timely application for reissuance of a permit in accordance with this Paragraph, the expired permit shall be automatically extended until a final decision regarding the application is made by the Authority.

4.04 Permit Issuance and Reissuance

The Authority shall issue, or reissue, as the case may be, a Wastewater Discharge Permit in draft form to the User for a 30-

day review and comment period. During this period, the User may submit written comments on the draft Permit to the Authority. After the 30-day review and comment period and the Authority's consideration of any comments received, the final Permit may be issued. The User may appeal any final Permit pursuant to Article VI of these Regulations.

4.05 Permit Modification

The Authority may modify a Wastewater Discharge Permit in order to:

- (a) Require compliance with National Categorical Pretreatment Standards. Permit modification shall occur within nine (9) months of the promulgation of the applicable standard. Where an Industrial User, subject to a National Categorical Pretreatment Standard has not previously submitted a questionnaire as required by Section 5.01 of this Article, the Industrial User shall submit a completed questionnaire within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the EPA.
- (b) Assure compliance with the POTW NPDES Permit.
- (c) Incorporate new conditions or parameters of concern due to substantial change in the User's operations or new information concerning existing conditions.
- (d) Incorporate changes in Federal or State laws or changes in DUWA's approved Industrial Pretreatment Program.
- (e) Change or terminate special conditions of the permit

including but not limited to monitoring frequency or parameters to be monitored.

- (f) Correct any omissions or typographical errors.
- (g) Reflect changes in the monitoring location.
- (h) To address a User's noncompliance with portions of an existing permit.
- (i) For any other reason, if the Authority reasonably believes the modification is necessary to ensure either that the POTW complies with its NPDES permit or that the POTW does not negatively affect the Receiving Water quality standards, the national air quality standards or any other applicable permit, order, statute, regulation or limitation.

The permittee shall be given written notice of any proposed changes in its permit, at least 30 days prior to the effective date of such change, unless a shorter time is necessary to protect the treatment plant, protect human health or the environment.

4.06 Permit Transfer

Wastewater Discharge Permits shall be issued to a specific Discharger for a specific operation and may not be assigned or transferred to another Discharger or to another location without 30 days prior notice to the Authority of the change, and the written approval of the Authority.

4.07 Special Condition Discharge Authorization

A User that desires to discharge unique Wastewater which is not

currently covered by a Class A or a Class D Wastewater Discharge Permit for a limited time period, may be granted a Special Condition Discharge Authorization by the Authority. This authorization shall apply to discharges, determined by the Authority, as having no reasonable potential for adversely affecting the POTW's operations or any provision of these Regulations. It may contain the following conditions as deemed necessary:

- (a) Duration of authorization (in no case more than five years).
- (b) Statement of non-transferability.
- (c) Discharge limits based on applicable General Pretreatment Standards in 40 CFR 403, as amended, Categorical Pretreatment Standards, local limits or State regulations and statutes.
- (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including a listing of Pollutants to be monitored, sample location, sampling frequency and sample type.
- (e) Statement of applicable civil and criminal penalties for violation of authorization requirements.

Section 5 - Reporting

5.01 Baseline Monitoring Reports

Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative

decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the Authority shall be required to submit to the Authority a report which contains the information listed in 40 CFR 403.12(b)(1)-(7), as amended. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Authority a report which contains the information listed in 40 CFR 403.12 (b)(1)-(5). New Sources shall also be required to include in this report information on the method of Pretreatment the source intends to use to meet applicable Pretreatment Standards. New Sources shall give estimates of the information requested in 40 CFR 403.12 (b)(4) and (5), as amended.

Industrial Users subject to Categorical Pretreatment Standards shall submit an additional Baseline Monitoring Report 90 days prior to commencing discharge from any new process regulated by said standards.

Any changes to information requested under this Section shall be submitted to the Authority within 60 days of any such changes.

In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Authority or the

applicable Standards to determine compliance with the Standard.

5.02 Compliance Date Report

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any User subject to Categorical Pretreatment Standards shall submit to the Authority a report containing the information described in 40 CFR 403.12 (b)(4)-(6), as amended. Where equivalent mass or concentration limits are established by the Authority for a User, this report shall contain a reasonable measure of the User's long-term production rate. Where a User is subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production, the report shall include the User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional O&M and/or Pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User. This statement shall be signed by an Authorized Representative of the Industrial User.

5.03 Periodic Compliance Reports

The reports required by this Section shall be based on the User's self-monitoring, performed during the period covered by the report, and performed in accordance with Section 2.07 of this Article.

5.03.1 Categorical Industrial Users

- (a) Any User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Authority, on a quarterly basis, unless required more frequently in the Pretreatment Standard or by the Authority, a report indicating the nature and concentration, of Pollutants in the Effluent which are limited by such Pretreatment Standards. In addition, this report shall include the measured or estimated average and maximum daily Flows for the reporting period.
- (b) The Authority may impose mass limitations on Users which are using Dilution to meet applicable Pretreatment Standards, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subparagraph (a) above shall indicate the mass of Pollutants regulated by Pretreatment Standards in the Effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the Flow and the

nature and concentration, or production and mass where requested by the Authority, of Pollutants contained therein which are limited by the applicable Pretreatment Standards.

- (c) For Industrial Users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 CFR 403.6 (c), as amended, the report required by Paragraph 40 CFR 403.6 (e)(1) shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant discharge per unit of production (or other measure of operation), the report required by Paragraph (e)(1) shall include the User's actual average production rate for the reporting period.
- (d) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

5.03.2 Significant Non-Categorical Industrial Users

Significant Non-Categorical Industrial Users shall submit to the Authority once per quarter, on dates specified in the Wastewater Discharge Permits, a report detailing the nature, concentration, Flow of the Pollutants and other pertinent information as requested by the Authority. In cases where the local limit or the

Discharge Permit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Authority to determine the compliance status of the User. The report shall be submitted on a form provided by the Authority.

5.03.3 More Frequent Monitoring

If an Industrial User subject to the reporting requirements in Section 5.03 of this Article monitors or samples any Pollutant or parameter more frequently than required by the Authority using the procedures prescribed in Section 2.07 of this Article, the results of this monitoring shall be included in any report submitted to the Authority pursuant to Section 5.03 of this Article.

5.04 Signatory Requirements

Pursuant to Michigan Administrative Code R. 323.2310(11) and R. 323.2311(2)(b)(ii), the reports required under Sections 5.01, 5.02, and 5.03 of this Article shall include the following Certification Statement and shall be signed by an Authorized Representative as defined in Article I of these Regulations:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of

the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

5.05 Self-Monitoring

Significant Industrial Users may be required to perform self-monitoring of their Wastewater discharge. Any required self-monitoring program shall be described in the User's discharge permit and shall include designation of the sampling location, frequency of sampling, number of samples, types of samples, type of analysis required, standards for testing and increased reporting schedules. A self-monitoring program may also be the result of enforcement action taken by DUWA against the User, and shall be a part of any subsequent Conciliation Agreement or Administrative Orders.

A User subject to the self-monitoring requirements of this Section shall also be required to make notification and resample upon becoming aware of a violation in accordance with Section 2.05.3 of this Article.

5.06 Timing

Written reports and/or notifications shall be deemed to have been

submitted on the date postmarked. For reports and/or notifications which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

Section 6 - Enforcement

6.01 Notification of Violation

Upon determination of a violation of these Regulations or Wastewater Discharge Permit issued hereunder, the Authority shall take the appropriate enforcement action which may include a written notice of violation. Within 10 days of the receipt from the Authority of a written notice of violation by a User, the User shall submit to the Authority, an explanation of the violation and a plan for satisfactory correction and prevention of the cause of the violation. Submission of this plan in no way relieves the User of liability for any previous or future violations.

6.02 Notice of Non-Compliance

If the Authority finds that a Discharger is in Significant Non-compliance, as defined in Article I of these Regulations, with applicable Categorical Pretreatment Standards, permit requirements and/or Local limits, the Authority may serve or cause to be served upon that Discharger a written notice either personally or by certified or registered mail, return receipt required, stating the nature of the alleged violation. The notice shall set forth a time, date and location for a

Conciliation Meeting.

The Authority shall also forthwith notify the Local contracting community of that meeting and shall request that its representatives attend. The Discharger shall attend the meeting and present a corrective plan of action to resolve the non-compliance. The corrective plan of action and related compliance schedule may be set forth in a mutually agreed upon Conciliation Agreement to be signed by the Discharger and the Authority.

If however, a mutual agreement cannot be reached or the Discharger refuses to sign the Conciliation Agreement, the Authority may issue a unilateral Administrative Order to force timely compliance with specified requirements and/or permit limitations.

6.03 Compliance Schedule Progress Report

A Discharger subject to a compliance schedule resulting from any enforcement actions, or as a condition of its Wastewater Discharge Permit, shall submit a progress report to the Authority no later than 14 days following each increment milestone date specified in the compliance schedule. This report shall disclose whether the User complied with the increment of progress to be met on that date, the reason for delay if the date was not met, and the steps being taken to return to the original compliance schedule.

In no event, however, may more than nine (9) months elapse between progress reports. If a User acts in full accordance with

a compliance schedule, as approved and adopted in accordance with this Section, that User is deemed to be in compliance only for the parameters affected by the compliance schedule. Exceedences of additional parameter limitations shall be considered violations and subject to enforcement action.

6.04 Administrative Orders

6.04.1 Show Cause Order

The Authority may order any User which causes or contributes to violation of these Regulations, Wastewater Discharge Permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified Industrial User appears as noticed, enforcement action may be pursued as appropriate. The hearing may be closed to the public at the request of the User for good cause shown. Request to close the meeting shall be made in writing and received by DUWA at least twenty four (24) hours in advance. Failure to comply with a Show Cause Order shall constitute a further violation of these Regulations and subject the User to further enforcement action.

6.04.2 Consent Order

As a result of the Show Cause Order and subsequent hearing, a Consent Order may be issued by the Authority. The User assumes

responsibility for its non-compliance and is willing (in good faith) to correct the cause(s) of the non-compliance. The Order is an agreement, mutually acceptable to both the Authority and the User, which contains a compliance schedule, stipulated fines, penalties or remedial actions and signatures of both parties. This Order prohibits future violations and shall provide for corrective actions by the User.

6.04.3 Compliance Order

When the Authority finds that a User has violated or continues to violate these Regulations or a permit or order issued thereunder, the Authority may unilaterally issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, further enforcement action shall be taken unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated, and compliance is achieved. Orders may also contain stipulated fines or penalties, compliance schedules subject to the provision of Section 6.03 of this Article, and other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the installation of Pretreatment technology, additional self-monitoring and management practices. The stipulated penalties shall be in such amounts as are determined necessary to compensate the public for damages difficult to quantify related to injury to the environment and for the recovery from the violator of economic benefits realized

by non-compliance and for the purpose of deterring future violations or non-compliance.

6.04.4 Cease and Desist Orders

When the Authority determines a User has violated or continues to violate these Regulations, a discharge permit or an order issued hereunder, the Authority may issue an order to cease and desist all illegal or authorized discharges immediately.

- (a) In instances of an emergency, including, but not limited to imminent danger to the public health, POTW, or environment, the Order to Cease and Desist may be given by telephone. This action shall be followed by a written Order to Cease and Desist.
- (b) In non-emergency situations, the Cease and Desist Order may be used to suspend or permanently revoke Wastewater Discharge Permits.
- (c) The Cease and Desist Order may order the Industrial User to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

6.05 Emergency Suspension of Service and Discharge Permits

The Authority may, for good cause, suspend the Wastewater treatment service and the Wastewater Discharge Permit of a Discharger if the Authority finds that an actual or threatened

discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, or an Interference or Passthrough. A Discharger who is notified of the suspension of Wastewater treatment service and/or the Discharger's Wastewater Discharge Permit, shall within a reasonable period of time, as determined by the Authority, cease all discharges.

If a Discharger fails to comply voluntarily with the suspension order within the specified time, the Authority shall take such steps as deemed necessary, including severance of the Sewer connection, to prevent or minimize damage to the POTW, its Receiving Waters, or endangerment to any individuals. The Authority shall allow the User to recommence its discharge when the User has demonstrated to the Authority's satisfaction that the endangerment has passed, unless termination proceedings are initiated against the User.

A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a full report to the Authority within five days of the incident. This report shall be a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. The information in this report shall be considered during any related action by the Authority.

Local communities whose Wastewater is transported or treated by the facilities of the Authority may join with the

Authority in enforcement action and take such other action to effectuate these Regulations.

Failure of the contracting community to join in the enforcement action shall not limit the Authority's authority to enforce these Regulations and the provisions of this Section as to any Discharger.

6.06 Revocation of Wastewater Discharge Permit

The Authority may, with written notice revoke the discharge permit for the following reasons:

- a. Violation of the terms and conditions of the permit, local ordinances, State and Federal laws, statutes and regulations.
- b. Failure to factually report the Wastewater constituents and characteristics of the discharge.
- c. Failure to report significant changes in Wastewater constituents and characteristics.
- d. Refusal of reasonable access to the permittee premises by DUWA personnel for the purpose(s) of inspection or monitoring.
- (e) Failure to pay fines, penalties or costs incurred by the Authority, pursuant to this Section 6- of Article IV.

Non-compliant Industrial Users shall be notified of the proposed termination of their Wastewater Discharge Permit and be given an opportunity to show cause under Section 6.04.1 of these Regulations why the proposed action should not be taken.

6.07 Annual Publication

A list of all Users which were determined to be in Significant Non-Compliance with any provisions of these Regulations or any permit or order issued hereunder during the period since the previous publication shall be annually published by the Authority in the largest daily newspaper published in the municipality in which the Authority is located. All Users identified in a proposed publication shall be provided a copy of that proposed notice at least thirty days before publication and provided with an opportunity to comment as to its accuracy.

6.08 Affirmative Defenses

A User shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions pursuant to Michigan Administrative Code R. 323.2303(3), where the User can demonstrate that it meets the criteria set forth in both the following:

- (a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Passthrough or Interference.
- (b) A Local Discharge Limit designed to prevent Passthrough or Interference was developed in accordance with 40 CFR 403.5(c) for each Pollutant in the User's discharge that caused Passthrough or Interference, and the User was in compliance with each Local Discharge Limit directly before and during the Passthrough or Interference, or if a local

limit designed to prevent Passthrough or Interference has not been developed in accordance with 40 CFR 403.5(c) for the Pollutant that caused the Passthrough or Interference, the User's Discharge directly before and during the Passthrough or Interference did not change substantially in nature or constituents from the User's prior Discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of Interference, applicable requirements for sewage Sludge use or disposal.

6.09 Judicial Proceedings

The Authority may, through its Attorney, commence an action for appropriate legal and/or equitable relief in Wayne County Circuit Court, in any instances of conduct contrary to the provisions of these Regulations. Nothing in this Section is intended to supersede any applicable actions or penalties by the State or USEPA or to prevent the Authority from enforcing the requirements of other Sections of these Regulations.

6.10 Injunctive Relief - Public Nuisance

Whenever an Industrial User has violated or continues to violate the provisions of these Regulations or permit or order issued hereunder, the Authority, through its Attorney, may petition a court of legal jurisdiction for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Industrial User.

Nothing contained in this Article shall be construed as limiting in any manner the powers of the County Health Officer, and if any unsanitary conditions exist, the same is hereby declared to be a public nuisance and shall be abated in accordance with the provisions of applicable law.

6.11 Municipal Civil Infractions

(a) Violation; Municipal civil Infraction. Except as provided by section 6.12, a person who violates any provision of this chapter (including, without limitation, any rules, regulations, licenses, permits, orders, agreements or determination issued, adopted or entered by the POTW under this chapter) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$500.00 per day for each infraction and not more than \$27,500.00 per day for each infraction, plus costs, expenses, attorney fees and other sanctions; except that a person who violates any of the following sections of this chapter shall be subject to payment of a civil fine of not less than \$1,000.00 per day and not more than \$27,500.00 per day for each infraction, plus costs, expenses, attorney fees and other sanctions:

(1) Section 5(a)(1)(A); Section 5(a)(2)(B);Section 8; or
Section 10 of Article III; or

(2) Section 2.01.1; Sections 2.01.2(a), (b), (d),(e), (f),
(g), (i), (l), or (n); Section 2.02.2;Section 2.03;
Section 2.05.6(c)(1); Section 2.09; Section 4.01(b)(1);

Section 5.01; or Section 5.02 of Article IV.

- (b) Repeat Offenses; Increased Fines. Increased fines may be imposed for repeat offenses. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this chapter (i) committed by a person within any 12-month period and (ii) for which the person admits responsibility or is determined to be responsible.

The increased fine for a repeat offense under this chapter shall be

as follows:

- (1) Except as otherwise provided, the fine for any offense that is a first repeat offense shall be not less than \$1,000.00, plus costs; and the fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$2,500.00, plus costs, expenses, attorney fees and other sanctions.
- (2) For violations of the following Sections of this chapter, the fine for any offense that is a first repeat offense shall be not less than \$2,500.00, plus costs; and the fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00, plus costs, expenses, attorney fees and other sanctions.
 - (A) Section 5(a)(1)(A); Section 5(a)(2)(B); Section 8; or

Section 10 of Article III; or

(B) Section 2.01.1; Sections 2.01.2(a), (b) (d), (e), (f), (g), (i), (l) or (n); Section 2.02.2; Section 2.03; Section 2.05.6(c)(1); Section 2.09; Section 4.01(b)(1); Section 5.01; or Section 5.02 of Article IV.

(c) Amount of Fines.

(1) Municipal Civil Infraction Citations. Subject to the minimum fine amounts specified in Sections 6.11(a) and (b), the following factors shall be considered in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of these Regulations: the type, nature, gravity, magnitude, severity, frequency, duration, preventability, potential and actual effect, cause (including whether negligent or intentional) and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance, cooperation or efforts to comply; the violator's compliance history (regardless of whether prior enforcement proceedings were commenced); the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating

factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

(2) Municipal Civil Infraction Notices: Schedule of fines. Notwithstanding any provision of these Regulations to the contrary, the amount of a municipal civil infraction fine due in response to the issuance of a municipal civil infraction notice for a violation as provided by Section 6.11 (a) shall be according to the following schedule:

(A) For violation of any provision of these Regulations (except as provided by 6.11(c)(2)(B), below):

First Offense: \$500.00

First Repeat Offense: \$1,000.00

Second Repeat Offense (or any subsequent repeat offense): \$2,500.00

(B) For violation of any provision of the following Sections:

(i) Section 5(a)(1)(A); Section 5(a)(2)(B); Section 8; or Section 10 of Article III; or
or

(ii) Section 2.01.1; Sections 2.01.2(a), (b), (d), (e), (f), (g), (i), (l), or (n); Section 2.02.2; Section 2.03; Section 2.05.6(c)(1); Section 2.09; Section 4.01(b)(1); Section 5.01; or Section 5.02 of Article IV.

First Offense: \$1,000.00

First Repeat Offense: \$2,500.00

Second Repeat Offense (or any subsequent repeat offense): \$5,000.00

(C) For any fine not paid in full at the Offices of the Downriver Utility Wastewater Authority within 30 days of the time specified for appearance in the Municipal Civil Infraction Violation Notice, the fine amount due shall automatically be double the amounts listed immediately above.

(d) Authorized Authority Officials. The following persons are “authorized Authority officials” for purposes of issuing municipal civil infractions citations or municipal civil infraction violation notices for violations under these Regulations: the Director of the Downriver Sewage Disposal System and his or her designees and authorized representatives; and the Chairman of the Downriver Utility Wastewater Authority.

6.12 Criminal Penalties: Imprisonment

Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of these Regulations, or contrary to any rules, regulations, licenses, permits, orders, agreements or determination issued, adopted or entered by the Authority under these Regulations; or (2) intentionally makes a false statement, representation, or certification in an application for, or form

pertaining to a permit, or in a notice, report, or record required by these Regulations, or in any correspondence or communication, written or oral, with the Authority regarding matters regulated by these Regulations; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by these Regulations; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court. If a violation is committed by a person who acts or fails to act on behalf of a corporation or partnership, that person shall be held personally liable for the fine or imprisonment, or both.

6.13 Separate Offenses

Each act of violation and each day or portion of the day that a violation of these Regulations, or of any permit, license, order, notice of determination issued, made or entered into under these Regulations is permitted to exist or occur, constitutes a separate offense and shall be punishable as provided by these Regulations.

6.14 Saving Clause

The amendment or repeal by these Regulations of any regulation or regulation provision shall have no effect upon prosecutions commenced prior to the effective date of these Regulations or

prosecutions based upon actions taken by any person prior to the effective date of these Regulations. Those prosecutions shall be conducted under the regulation provisions in effect prior to the effective date of these Regulations.

6.15 Criminal Prosecution

- (a) A Person who is found guilty of committing an act which is prohibited by these Regulations and is expressly made subject to fine or imprisonment, or both, may be punished by a fine of not more than (\$1,000.00), or by imprisonment in the Wayne County Jail for not more than ninety (90) days, or both.
- (b) A Person who is found guilty of failure to comply with an affirmative requirement of these Regulations which is expressly made subject to fine or imprisonment, or both, may be punished by a fine of not more than (\$1,000.00), or by imprisonment in the Wayne County Jail for not more than ninety (90) days or both.
- (c) If a violation is committed by a Person who acts or fails to act on behalf of a corporation or a partnership, that person shall be held personally liable for fine or imprisonment, or both.

6.16 Falsifying Information

A Person is subject to fines in accordance with Section 6.11 of these Regulations, imprisonment, or both, who knowingly makes a false statement, representation or certification in an application, record, report, plan or other document filed or required by these Regulations or by an express condition of a

permit issued under authority of these Regulations, or who tampers with or renders inaccurate a monitoring device or method required under these Regulations or by an express condition of a permit issued under the authority of these Regulations.

6.17 Recovery of Costs

In addition to the civil and criminal penalties prescribed by these Regulations, a User is liable for all costs, expenses and attorney fees incurred if the User:

- (a) is in violation of its permit, an order, these Regulations, prohibitions or mandates;
- (b) causes a deposit, or obstruction;
- (c) causes damage to disposal system equipment, a Sewer or POTW;
- (d) impairs the treatment process, or precipitates extraordinary treatment procedures; or
- (e) discharges Pollutants which enter the Receiving Waters by either POTW Passthrough or through an overflow facility resulting in a NPDES Permit violation.

The Authority shall determine all costs incurred as a result of the User's action, including the amount of that loss, NPDES fines, if applicable, and the expense of the cleaning, repair and replacement work needed to remedy that damage and subsequent administrative charges, and shall bill the User for the full amount of all such costs and expenses. Failure to pay that amount, in full, within thirty days after receipt of the billing, shall constitute grounds for the immediate revocation of that User's Wastewater Discharge Permit. The Authority may commence the appropriate proceeding to recover such costs and expenses.

Section 7 - Miscellaneous

7.01 Removal Credits

Where applicable, the Authority may elect to initiate a program of removal credits as part of these Regulations to reflect the POTW's ability to remove Pollutants in accordance with 40 CFR 403.7, as amended.

7.02 Net/Gross Calculations

Categorical Pretreatment Standards and Local limits may be adjusted to reflect the presence of Pollutants in the Industrial User's intake water in accordance with this Section.

Any Industrial User wishing to obtain credit for intake Pollutants must make application to the Authority. Upon request of the Industrial User, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for Pollutants in the intake) if the requirements of 40 CFR 403.15 as

amended are met.

7.03 Hauled In Wastewater

Hauled in Waste and septic tank waste which is hauled or transported, within or into the service area may be introduced into the DUWA POTW only at locations and such times as designated by the Authority provided:

- (a) Such waste shall not violate, these Regulations including Section 2.01 of this Article or any requirements established by the Authority. A waste analysis may be required prior to discharge when a prohibited discharge is suspected.
- (b) All Dischargers shall be subject to the provisions of the Hauled Wastewater and Septage Policy as may be established by the Authority.

7.04 Pollution Prevention

The Authority shall encourage Industrial Users to voluntarily adopt Pollution Prevention measures and Best Management Practices.

7.05 Mercury Reduction Plans

The Authority may require a user to develop, submit for approval and implement a Mercury Reduction Plan (MRP) if the User discharges wastewater that will, or has a reasonable potential to, exceed the quantification level for mercury, as set forth in Appendix A of these Regulations. Such plan shall include a written commitment by the User to reduce the concentration of mercury in the User's effluent to concentrations below the

quantification level within three years of the implementation of the approval of the plan by the Authority. The plan shall be submitted on a form provided by the Authority. The User must submit to the Authority a semiannual report on the status on the mercury reduction efforts. To ensure compliance with the Local Discharge Limit for mercury as set forth in Appendix A of these Regulations, a User may elect to implement a Mercury Reduction Plan.

ARTICLE V

AUTHORITY AND DUTIES OF INSPECTORS AND PROTECTION OF OWNERS

This Article defines the extent and limitations of the authority of the Authority to police Wastewater systems connected to DUWA Wastewater facilities to insure compliance with these Regulations.

Section 1. - Authority

- (a) Authorized representatives of the Authority who bear proper credentials and identification shall be promptly permitted to enter non-residential properties which discharge into the POTW for the purposes of inspection, observation, measurement, sampling, and testing of Wastewater and affiliated equipment in accordance with the provisions of these Regulations.
- (b) Authorized representatives of the Authority who bear proper credentials and identification shall be promptly permitted to enter all private properties through which the Authority or local municipality holds an easement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater transmission facilities which lie within that easement.

Section 2. - Duties

While performing necessary work on private properties pursuant to Section 1 of this Article, an authorized representative of the

Authority shall observe and comply with all safety rules applicable to the premises as established by the company.

ARTICLE VI

APPEAL PROCEDURES

A User who believes it is aggrieved of the actions of the Authority in enforcing these Regulations may appeal to the Director for the relief of that grievance. An appeal shall be made as follows:

Section 1 - Appeal Request

- (a) The appeal request must be in writing, directed to the Director and received by the Director within twenty (20) days of the decision or act that is the subject of the appeal. The appeal request shall be made in triplicate, and shall set forth the specific act or matter complained of and in dispute. Additionally, the appeal request shall include all documentation which supports the appellant's position.
- (b) The Director or his designee shall, within thirty (30) business days of receipt of a written appeal request, acknowledge such receipt in writing to all interested parties. Thereafter, the Director or his designee shall arrange for a hearing to be held in accordance with Section 3 of this Article, or if appropriate, direct a representative of the Industrial Pretreatment Program Section of the Authority (IPP Representative) to schedule a conciliation meeting with the appellant, as soon as practicable, at the mutual convenience of the parties to resolve the dispute.

Section 2 - Conciliation Meeting

- (a) If a conciliation meeting is held, it shall be open to all interested parties and their representatives. The meeting, if

necessary, may be adjourned to a mutually acceptable date or dates.

- (b) If the appellant or IPP Representative determines that the dispute cannot be resolved through the conciliation meeting process, the parties shall so inform the Director in writing and request a hearing in accordance with Section 3 of this Article. Future conciliation meetings are no longer needed, the Director or his designee, shall so notify the parties involved and issue a decision within fifteen (15) days, in writing, by mail, to the interested parties to the dispute.
- (c) If it is determined by all interested parties and the IPP Representative that the dispute has been satisfactorily resolved through the conciliation meeting process, hereto, within thirty (30) days of the last conciliation meeting~~r~~, the IPP Representative shall reduce such resolution to the form of a written agreement or order for signature by the interested parties.

Section 3 - Hearing Procedure

- (a) In the event a hearing is required pursuant to Sections 1 or 2(b) of this Article, the Director shall promptly appoint a disinterested hearing officer of suitable qualifications to conduct an administrative hearing and to receive testimony and evidence presented by the aggrieved party. The hearing officer shall also receive testimony and evidence from the Authority or others as he or she deems necessary.

- (b) The hearing officer shall conduct the hearing and file a written report of said hearing with the Director within thirty days of his/her appointment. The hearing officer shall have the right to extend this thirty day period for good cause. However, in such event, his/her report will be submitted to the Director within fifteen (15) days of the conclusion of the hearing and the taking of testimony and evidence.
- (c) The hearing officer's report shall include a brief statement of factual matters at issue, the nature of the testimony and evidence received and shall include a recommendation to either uphold or modify the decision or action in question on such terms as the hearing officer deems equitable.
- (d) Upon receipt of the hearing officer's report, the Director shall render his/her decision in writing within fifteen days of the receipt of the report. In any event, the Director shall not be bound by the recommendation of the hearing officer. The decision of the Director shall be final and enforceable at law, unless the appeal involves a citation and a subsequent appeal is made within sixty (60) days and the DUWA Board grants a review of the Director's decision. After the review, the DUWA Board may affirm, dismiss, or modify the Director's decision. The decision of the DUWA Board shall be final.

1. A Person or Municipality aggrieved by a final decision of the Director or the DUWA Board may petition to the Wayne County Circuit Court for Judicial review. The petition

shall be filed not later than sixty (60) days following the receipt of the final decision. An aggrieved Person or Municipality shall exhaust all administrative remedies provided in this Section before seeking Judicial review.

- (e) With respect to the hearing conducted, the hearing officer shall not be bound strictly by the rules of evidence which would apply in a court of competent jurisdiction. The hearing officer shall have the authority to receive such evidence as he/she deems relevant and material and to give the evidence as is received such weight and probative value as, in the hearing officer's discretion, is deemed proper.

ARTICLE VII

SEPARABILITY AND REPEALER CLAUSE AND EFFECTIVE DATE

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 these Regulations shall remain in full force and effect and continue to be the full Regulations. Further, all other ordinances and Regulations and parts of other ordinances and Regulations inconsistent with or conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict. These Regulations shall be effective immediately upon adoption. Nothing in these Regulations shall be construed to require an existing Discharger to possess a permit prior to completion of proceedings for issuance of a permit for which a timely and sufficient application has been submitted, or to require an existing Discharger to achieve any of the numerical limitations of Appendix A prior to the expiration of a compliance schedule contained in an issued permit or prior to expiration of a period of time necessary to provide such Discharger a reasonable opportunity to achieve compliance with these Regulations.

APPENDIX A**Local Discharge Limitations – Downriver Sewage Disposal System**

<u>No.</u>	<u>Parameters</u>	<u>Limit</u> <u>(Average Daily Concentration)</u>
1.	Arsenic, total	1.80 mg/l
2.	Cadmium, total	0.45 mg/l
3.	Chromium, total	15.0 mg/l
4.	Copper, total	2.80 mg/l
5.	Cyanide, total	1.80 mg/l
6.	Lead, total	1.00 mg/l
7.	Mercury, total	Non-detectable* mg/l
8.	Nickel, total	6.00 mg/l
9.	Silver, total	0.43 mg/l
10.	Zinc, total	4.50 mg/l
11.	Fats, Oil & Grease FOG), polar material	500.0 mg/l
12.	Total Petroleum Hydrocarbons (TPH), non-polar	65 mg/l
13.	Phenolics, total	1.0 mg/l
14.	Polychlorinated Biphenyls (PCBs)	Non-detectable* mg/l
15.	pH	5.0 - 11.5 s.u.
16.	Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1400 mg/l
17.	Total Phosphorous	177 mg/l
18.	Total Suspended Solids (TSS)	2600 mg/l

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19.	Chloroform	0.25 mg/l
20.	Methylene Chloride	1.00 mg/l
21.	Tetrachloroethylene	0.25 mg/l
22.	Toluene	1.0 mg/l
23.	Trichloroethylene	0.25 mg/l
24.	Benzene, Toluene, Ethylbenzene, Xylene (BTEX)	2.0 mg/l

THE QUANTIFICATION LEVEL SHALL NOT EXCEED 0.1 UG/L FOR PCBS AND 0.2 UG/L FOR MERCURY, UNLESS HIGHER LEVELS ARE APPROPRIATE BECAUSE OF SAMPLE MATRIX INTERFERENCE. ANY DISCHARGE OF PCBS OR MERCURY AT OR ABOVE THE QUANTIFICATION LEVEL IS A SPECIFIC VIOLATION OF THESE REGULATIONS. THIS PARAGRAPH DOES NOT AUTHORIZE THE DISCHARGE OF PCBS OR MERCURY AT LEVELS WHICH ARE INJURIOUS TO THE DESIGNATED USES OF THE WATERS OF THE STATE OR WHICH CONSTITUTE A THREAT TO THE PUBLIC HEALTH OR WELFARE. IF ADOPTED BY THE STATE OF MICHIGAN TO IMPLEMENT THE GREAT LAKES INITIATIVE FOR PCBS OR MERCURY, THE QUANTIFICATION LEVEL IN A PERMIT ISSUED PURSUANT TO THESE REGULATIONS MAY BE CHANGED, UPON DUWA APPROVAL, TO INCORPORATE SUCH PROMULGATED QUANTIFICATION LEVEL.