



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

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**Dated: August 6, 2012**

**ORDER NO. S-230**

**RE: Ordinance regarding management of water and sewer systems**

**TO: Sherikia Hawkins, City Clerk**  
**Cortland Overmyer, United Water**  
**Water Resources Commission of Oakland County**

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(dd)** [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and **19(2)** ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

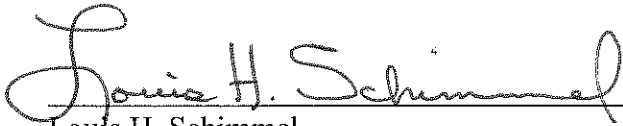
**It is hereby ordered:**

1. That the attached ordinance to amend parts of Chapter 118 of the Code of Ordinances concerning regulation of utilities to accomplish transfer of authority over the management of the water and sewer systems from the City of Pontiac to the County of Oakland and transfer of authority over waste water treatment from the City of Pontiac to the City of Pontiac Wastewater Treatment Facility Drainage District, being Ordinance No. 2268, is adopted, effective upon publication.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance on the City books and records, including publication of the notice of the newly adopted ordinance.

**The Order shall have immediate effect.**

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script, reading "Louis H. Schimmel". The signature is written in dark ink and is positioned above the printed name.

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

## Ordinance No. 2268

**An ordinance to amend parts of Chapter 118 of the Code of Ordinances concerning regulation of utilities to accomplish transfer of authority over the management of the water and sewer systems from the City of Pontiac to the County of Oakland and transfer of authority over waste water treatment from the City of Pontiac to the City of Pontiac Wastewater Treatment Facility Drainage District.**

The City of Pontiac Ordains:

### **Section 1. Amendments.**

Section 118-25 shall be amended to read as follows:

Sec. 118-25 – Automatic adjustment of water rate.

(a) Should the City of Detroit change its water cost to the City of Pontiac, that percentage of change shall be applied to the water rates charged by the City of Pontiac. Any percentage increase shall be rounded upward to the next whole number.

(b) This automatic adjustment of water rates shall occur by operation of this section under authority granted under sections 118-147 and 118-327, as if adopted specifically by resolution.

(c) Any changes in rates shall be published at least once in a newspaper of general circulation within the city, and no change in rates shall become effective until ten days after publication.

(d) Nothing in this section shall, in any way, limit the power of **the department** to adjust water rates independent of the operation of this section **pursuant to the City of Pontiac Water Supply System Contract, dated April 19, 2012.**

Section 118-26 shall be amended to read as follows:

Sec. 118-26 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved* means the approval of **the department**.

*City waterworks* means the “City of Pontiac Water Supply System” and the “City of Pontiac Water Supply System Facilities” as those terms are defined in the City of Pontiac Water Supply System Contract, dated April 19, 2012.

*Cross connection* means a physical connection between a private water supply system and a public potable water supply system.

*Department* means **the Oakland County Water Resources Commissioner, acting as agent for the County of Oakland, or his authorized agent or representative, pursuant to the City of Pontiac Water Supply System Contract, dated April 19, 2012.**

*Main* means any pipes other than supply pipes and service pipes used for conveying water to or distributing it in the city.

*Meter rates* means the rates or prices to be charged for water based upon the size of the meter and the quantity of water consumed on any premises as measured by a water meter or estimated in cases where no meter is used.

*Occupant* means any person in possession of the premises other than the owner and being supplied with city water.

*Office* means the office of the superintendent.

*Owner* means any person actually owning property or premises supplied or prospectively to be supplied with city water, or his authorized agent.

*Premises* means a single dwelling or apartment occupied by one family only, together with the land connected therewith and such outbuildings as are used exclusively in connection therewith, or a single room or building occupied for business or other purposes by one person or entity.

*Service pipe* means the pipe extending from the curb cock into privately owned land for supplying the premises with water.

*Superintendent* means **the Oakland County Water Resources Commissioner, acting as agent for the County of Oakland, or his authorized agent or representative, pursuant to the City of Pontiac Water Supply System Contract, dated April 19, 2012.**

*Supply pipe* means a pipe tapped into the main and extending thence to and including the curb cock or valve at a point normally seven feet outside the property line.

Section 118-27 shall be amended to read as follows:

Sec. 118-27 – Supervision of waterworks.

The city waterworks shall be supervised and managed exclusively by the “superintendent,” who is defined as the Oakland County Water Resources Commissioner, acting as agent for the County of Oakland, pursuant to the City of Pontiac Water Supply System Contract, dated April 19, 2012.

Section 118-29 shall be amended to read as follows:

Sec. 118-29 – Rules and regulations; notice.

**The superintendent** is authorized to issue any rules and regulations governing the restriction or regulation of water usage when he deems a sufficient emergency exists in the city with reference to the water supply. Notice of such rules and regulations shall be by publication in a newspaper of general circulation in the city at least 24 hours before such rules and regulations become effective.

Section 118-36 shall be amended to read as follows:

Sec. 118-36 – Interference with water mains.

The water mains of the department, whether within or outside of the city, are under the exclusive control of **the department**. All persons other than agents and employees of the department are forbidden to disturb, tap, change, obstruct access to or interfere with the water mains in any way.

Section 118-37 shall be amended to read as follows:

Sec. 118-37 – Opening hydrants; obstructions.

(a) Fire hydrants are provided for the sole purposes of extinguishing fires and are to be opened and used only by **the department** and fire department of the city or by persons authorized by the department of public utilities. In no case shall any person use a wrench or tool on any fire hydrant other than a regulation fire department hydrant wrench.

(b) No person shall in any manner obstruct or prevent free access to, or place or store, temporarily or otherwise, any object, material, snow, debris or structures of any kind within a distance of 15 feet of any fire hydrant. Any such obstruction when discovered may be removed at once by the department at the expense of the person responsible for the obstruction.

Section 118-46 shall be amended to read as follows:

Sec. 118-46. - Special permits for water; bill; shutoff.

(a) An application for a special permit to use city water in the construction or repair of buildings or for any other construction or repair work or for any other special use shall be made to the superintendent upon the blank form provided for the purpose by the department. The character of the work for which the water is to be used and the estimated quantities of water to be used in such work shall be provided in the blank space provided therefor. All the blanks on the form shall be filled in and certified to by the owner or the agent of the person desiring such services. An estimate of the value of the water to be used, at the established rates, will then be prepared by the superintendent, and a bill rendered for the value. Upon the payment of the bill in full, a permit will be issued by the department. When a hydrant is used for purposes mentioned

in this section, the deposit shall also include inspection costs and an estimated cost of possible damage to the hydrant.

(b) If it appears to the superintendent that the applicant for water to be used in the construction or repair of buildings or other special use has misrepresented the quantity of water to be used, the supply of water to him shall immediately be shut off and not again be turned on until a true and revised estimate of the quantity of water to be used in such work is submitted and until the water for the additional work is paid for to the department, together with a fee as set by **the department**.

Section 118-76 shall be amended to read as follows:

Sec. 118-76 – Department inspectors; credentials.

(a) Inspectors, foremen, employees and agents of the department whose duty it may be to enter upon private premises to make inspection and examination of the pipes, fixtures or attachments used in connection with the city water supply shall be provided with a badge or such other credentials as **the superintendent** may deem proper to identify them as authorized agents of the department.

(b) No inspector, foreman, employee or agent of the department shall be entitled to enter upon any private premises unless he carries and exhibits the badge or credentials provided under this section.

Section 118-95 shall be amended to read as follows:

Sec. 118-95 – Damage to meters; responsibility of property owner.

(a) Any damage which a meter may sustain resulting from carelessness of the owner, agent or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to **the department** on presentation of a bill therefor; and in cases where the bill is not paid, the water shall be shut off and not be turned on until all charges have been paid to **the department**.

(b) The owner of any premises where a meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person. In case of any injury to the meter or in case of its stoppage or imperfect working, the owner of the affected premises shall give immediate notice to the office.

Section 118-109 shall be amended to read as follows:

Sec. 118-109 – Supply pipes; installation by department.

Supply pipes, including curb cocks, shall be put in only by the department, and are under the exclusive control of **the department**. No person other than an authorized agent or employee

of the department shall construct, repair or otherwise change or interfere with such pipes in any way.

Section 118-114 shall be amended to read as follows:

Sec. 118-114 – Fees for permits, inspection and installation.

Fees for permits, inspection of work, charges for original installation of all supply pipes from the city water mains to a point normally seven feet outside the property line of the premises being serviced, and all fixtures connected therewith, including stopcocks and boxes, shall be established by **the department**.

Section 118-126 shall be amended to read as follows:

Sec. 118-126 – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Backflow* means the flow of water or other liquid mixture or substance into the distribution pipes of a potable supply of water from an outside source.

*Cross connection* means a physical arrangement by which a public potable water supply is connected, directly or indirectly, with any nonpotable or unapproved water system.

*Public water supply system* means **“City of Pontiac Water Supply System” which includes the “Facilities” as those terms are defined in the City of Pontiac Water Supply System Contract, dated April 19, 2012.**

Section 118-128 shall be amended to read as follows:

Sec. 118-128 – Inspections; right of entry.

(a) It shall be the duty of **the superintendent** to cause inspections to be made of all properties served by the public water supply system where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based upon potential health hazards involved, shall be as established by **the superintendent**, and as approved by the state department of public health.

(b) **The superintendent** shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross connections. Upon request, the owner or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of

cross connections. If there is a refusal, **the department** is authorized to discontinue services upon given notice to the owner or occupants.

Section 118-129 shall be amended to read as follows:

Sec. 118-129. - Discontinuance of service for violations.

**The superintendent** is authorized to and may direct the discontinuance of water service after giving 60 days' written notice to any property owner and occupant wherein any connection is in violation of this division, and to take such other precautionary measures that may be deemed necessary to eliminate any danger of contamination of the public water supply system. Where it is determined that the public water supply system is being contaminated, such services may be terminated immediately. Water service to such property shall not be restored until any cross connection has been eliminated, in compliance with the provision of this article.

Section 118-133 shall be amended to read as follows:

Sec. 118-133 – Charges for inspection.

Charges for the periodic inspections authorized by this division will be established by **the department** and changed from time to time by **the department**, and when so changed, shall be published at least once in a newspaper of general circulation within the city, and no change in rates shall become effective until ten days after such publication.

Section 118-146 shall be amended to read as follows:

Sec. 118-146 – Security deposits.

**The department** may require such cash deposits as it may deem necessary prior to installation of meters or connection of premises to the system or otherwise as security for payment of water charges.

Section 118-147 shall be amended to read as follows:

Sec. 118-147 – Water rates; minimum requirements.

(a) The rates to be charged for water service in effect in the city on the date of the adoption of this section shall remain in effect until changed by **the department** from time to time pursuant to the **City of Pontiac Water Supply System Contract, dated April 19, 2012**, and when so changed, shall be published at least once in a newspaper of general circulation within the city, and no change in rates shall become effective until ten days after such publication. Any such rate revision shall conform to the requirements of Ordinance No. 1436, providing for the issuance of water supply system revenue bonds, while any bonds issued thereunder shall be outstanding and unredeemed.



(b) Copies of current rate schedules shall be kept on file at the offices of the department and city clerk for public inspection and distribution.

(c) Charges for water service to premises outside of the city shall not be less than the charges for comparable service to premises within the city.

(d) Any automatic adjustment of water rates, as provided at section 118-25, shall be deemed to have fulfilled the requirements of this section.

Section 118-150 shall be amended to read as follows:

Sec. 118-150 – Failure of meter to register; testing for accuracy.

(a) If a meter malfunctions and fails to register, the user shall be charged, for the period of time that the meter is not registering, at the average consumption for a comparable period as shown by the meter when in order.

(b) The accuracy of the meter on any premises shall be tested by **the department** upon written request of the owner, who shall pay in advance a fee to cover the cost of the test. If on such test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefor, and the fee shall be repaid to the owner of the premises. **The superintendent** may adjust the water bill for the current year in such manner as he may think fair and just, except any adjustment that exceeds \$500.00 shall require the approval of the superintendent.

Section 118-152 shall be amended to read as follows:

Sec. 118-152 – Frequency of billing; delinquent accounts; fees.

(a) No free service shall be furnished by the system to any person or entity. Charges for services shall be billed and collected monthly and shall be deemed delinquent if not paid pursuant to section 118-148. A late payment charge of ten percent of the balance due shall be added to all delinquent payments. If the delinquent fees, penalties and charges are not paid within 30 days of the due date, an additional one percent of the total due shall be added each month until paid or entered upon a tax roll. The greater of five percent or \$20.00 will be added as a fee upon entrance on the tax roll.

(b) Amounts for security deposits and fees for services rendered by the department shall be established by **the superintendent**, and may be amended from time to time by **the superintendent**.

Section 118-153 shall be amended to read as follows:

Sec. 118-153 – All payments to be received by **the department**.

Payment of all charges for water and services furnished by the water supply system shall be made to **the department**.

Section 118-154 shall be amended to read as follows:

Sec. 118-154. - Services charges constitute lien upon property.

Charges for water and services furnished to a premises, together with delinquency fees, shall be a lien on that premises, and those charges delinquent for six months or more may be certified biannually for entrance of the lien on a tax roll. Such charges may be collected and the lien enforced in the same manner as general city taxes against such premises. However, in a case where a tenant is responsible for payment of the charges, and **the department** is so notified in writing signed by both landlord and tenant, including a true copy of the lease and an affidavit that contains a notation of the expiration date of the lease, then the charges shall not become a lien after the date of the notice upon receipt of such notice, and **the department** shall render no further service to the premises until a cash deposit, equal to two average billings as compiled over the preceding 12 months or \$100.00, whichever is greater, is made as security for payment of the charges. In such a case, if the charges become delinquent, service to the premises shall be subject to immediate shutoff and the security deposit shall be applied to the delinquency, unless 20 days' notice was not given by the lessor of any cancellation, change in, or termination of the lease.

Section 118-155 shall be amended to read as follows:

Sec. 118-155. - Complaints of overcharges.

Persons claiming to be overcharged may make complaint to the superintendent, whose duty it shall be to investigate the matter and make such an examination and decision in the premises as may be found necessary and in conformity with the established tariff of rates.

Section 118-168 shall be amended to read as follows:

Sec. 118-168 – Notice of turning off water; liability for failure.

Should it become necessary to shut off the water from any section of the city or outside of the city because of accidents or for the purpose of making repairs, the department shall endeavor to give timely notice to the consumers affected thereby, and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes. Failure to give such notice shall not render **the superintendent, the department, the city, its officers, agents and employees** responsible or liable for damages that may result therefrom or from any other cause.

Section 118-169 shall be amended to read as follows:

Sec. 118-169 – Method of notice.

Whenever notice is required to be given under this division, such notice shall be given, either by personal service of a notice in writing on the person to be notified, by sending an

**employee of the department** to the premises with a written or printed notice to be served on the person to be notified or left at the premises, or by enclosing a copy thereof in an envelope, with postage prepaid, addressed to the person to be notified at the post office or residence address of such person as the address appears on the books of **the department**, and mailing the notice at the post office in the city. Notice given by mail shall be conclusively deemed to have been given at the time of such mailing.

Section 118-181 shall be amended to read as follows:

Sec. 118-181 – Contract authorization.

**The superintendent** is authorized to enter into a contract for the city or the County of **Oakland** for the sale and delivery of water to any consumer outside of the limits of the city, on terms more specifically set forth in this division.

Section 118-183 shall be amended to read as follows:

Sec. 118-183 – Annexation of water facilities.

If any property in which mains and supply pipes using city water are located becomes annexed to the city, the main and supply pipes shall become the sole property of **the department** without expense to it.

Section 118-184 shall be amended to read as follows:

Sec. 118-184 – Permit application; inspections; deposits; installation of meter.

(a) Application for a permit for the purchase of water for consumption outside of the limits of the city shall be made upon blanks furnished by the department. The applicant must subscribe to the conditions printed thereon. The application must be accompanied by the permit fee in the amount established by **the department**.

(b) Upon receipt of an application for a permit for the purchase of water for consumption outside of the city limits, the superintendent will make or cause to be made an inspection of the premises, and unless service is rejected for cause the applicant shall be required to deposit with the city a sum of money that shall, in the judgment of the superintendent, be sufficient to cover the cost of such installation, plus the cost of the meter.

(c) The meter of consumers of city water outside the city limits shall be the property of **the department**, but the cost of the meter shall be advanced by the applicant and the cost shall apply on water rates of the applicant. The superintendent, after such deposit has been made, will make or cause such installation to be made and keep or cause to be kept a detailed cost of such installation, including all labor and material, and the cost to such applicant for such installation shall include the labor and material aforesaid, together with an allocation of costs of employee fringe benefits and administrative overhead and other indirect costs. If the total cost of such installation exceeds the deposit required by this section, the water will not be turned on

until such deficiency is fully paid, and in no case will water be turned on while there are any sums unpaid and due the department for services rendered.

Section 118-187 shall be amended to read as follows:

Sec. 118-187 – Deposit required.

(a) Before turning on the water into any service pipe, the applicant for city water service shall deposit a sum of money, in an amount **and manner** to be established by **the department**, as a pledge that the water rates and other expenses arising out of this article for the ensuing billing period or any subsequent billing period will be duly and promptly paid.

(b) **The department** may cause the pledge required under this division to be increased or reduced at any time in order to protect the **department and the city**. The applicant releases and waives any right for interest on the deposit.

Section 118-198 shall be amended to read as follows:

Sec. 118-198. – Limitation on quantity of water.

**The department** is prohibited from furnishing water to consumers outside of the city limits whenever the quantity of water so furnished exceeds one-quarter of the total consumption inside of the corporate limits.

Section 118-199 shall be amended to read as follows:

Sec. 118-199. – Discontinuance of service.

(a) **The department** shall have the right to shut off and discontinue the supplying of water to any and all consumers at any time they see fit so to do with or without any cause whatsoever after the giving of 30 days' notice by leaving a copy of the notice at the place where the water is used.

(b) The superintendent shall have the right to shut off and discontinue the supplying of water to any and all applicants in case of an emergency without any notice whatsoever, anything to the contrary notwithstanding.

(c) In either event where water is discontinued under the authority of this section, **the superintendent, the department, the city, its officials or employees** shall in no way be liable whatsoever for any damage caused by such shutoff of water.

Section 118-211 shall be amended to read as follows:

Sec. 118-211 – Purpose; conditions warranting declaration of emergency.

(a) It is recognized that conditions may arise as a result of a prolonged drought, or a prolonged period of heavy water demand, or as a result of damage or breakdown of an element of the water distribution system, or a combination of such factors, that could result in a water supply emergency that would negatively affect operating flows and residual water pressures in substantial portions of the water distribution system, with no apparent means immediately available to adequately maintain flows and pressures throughout the system.

(b) If such a situation arises, it may be in the interest of public health, safety and welfare to limit the nonessential use of water, for example for lawn sprinkling, in order to the extent possible to preserve sufficient water pressure and flow for drinking and other essential domestic uses, and for fire safety, and essential industrial uses.

(c) The purpose of this division is to provide authority for **the department** to declare an emergency and limit the nonessential uses of water if it should become necessary.

Section 118-212 shall be amended to read as follows:

Sec. 118-212 – Temporary emergency sprinkling regulations.

(a) Whenever **the superintendent** receives notification from the Detroit Water and Sewerage Department in conjunction with the Water and Radiological Protection Division of the state department of environmental quality that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered, or conditions within the water system of the city are likely to endanger the general welfare of the city, **the superintendent** shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply in the city for all properties connected to the city water system:

Sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even-numbered addresses on even-numbered dates within a month and for properties with odd-numbered addresses on odd-numbered dates within a month.

(b) Whenever **the superintendent** receives notification from the Detroit Water and Sewerage Department in conjunction with the Drinking Water and Radiological Protection Division of the state department of environmental quality that provisions in subsection (a), above, are not sufficient, or conditions within the water system of the city are likely to endanger the general welfare of the city, the following emergency regulations shall apply in the city for all properties connected to the city water system:

Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.

(c) **The department** and the Detroit Water and Sewerage Department shall, within 24 hours of notification, cause these regulations to be posted at the **department** office and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the city, and may cause such announcement to be further declared in newspapers of general circulation when feasible.

(d) The regulations shall become effective immediately after notice of enforcement of the ordinance from which this division derived as posted at the city offices.

(e) Upon notification from the Detroit Water and Sewerage Department in conjunction with the Drinking Water and Radiological Protection Division of the state department of environmental quality that the emergency regulations are no longer necessary, **the department** shall cause a public announcement lifting the water restrictions.

Section 118-213 shall be amended to read as follows:

**Sec. 118-213 – Enforcement.**

This division shall be enforced in accordance with the penalty provisions of this Code. Any police officer or other city employee designated by **the superintendent** as authorized to issue appearance tickets, may issue and serve appearance tickets charging a violation or violations of this division.

Section 118-221 shall be amended to read as follows:

**Sec. 118-221 – Purpose and objectives; Delegation of authority.**

(a) This article regulates the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, industrial waste pretreatment facilities and discharge of industrial waste into the city's publicly operated treatment works, and provides for pollutant limitations, data collection, monitoring and sampling, and provides for penalties for the violation thereof.

(b) The objectives of this article are to:

(1) Prevent the introduction of pollutants into the city's wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(2) Prevent the introduction of pollutants into the city's wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system; and

(3) Improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(c) **The City of Pontiac Wastewater Treatment Facility Drainage District (“Drainage District”) is hereby authorized to administer and enforce the provisions of this Article relating to the operation and maintenance of the POTW on behalf of the City of Pontiac, and any reference in this Article to “the city” or “the city council” relating to the operation and maintenance of the POTW is hereby designated to be a reference to the**

**Drainage District. The City of Pontiac hereby allows the Drainage District to perform the specific responsibilities set forth in this Article pursuant to State and Federal law.**

Section 118-222 shall be amended to read as follows:

Sec. 118-222 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Authorized representatives of industrial user* means:

(1) A responsible corporate official (i.e., president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, if the industrial user is a corporation);

(2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or

(3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter).

*Building drain* means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) beyond the foundation wall of the building or structure.

*Building sewer* means that part of the drainage system which extends from the end of the building drain and conveys its discharge to the public sewer or other place of disposal. For a user having more than one building, a building sewer may convey discharges from more than one building drain to the public sewer.

*Bypass* means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

*Capital charges* means those amounts paid by each premises connected to the treatment works proportionate to the probable demand placed on the system to pay the debt service

requirements and capital expenditures to enlarge or improve the wastewater facilities. Those premises outside the city shall have included in their capital charge an amount equivalent to the sum paid by property inside the city through ad valorem taxes and investments in facilities already paid for by city residents.

*Categorical standards* means national categorical pretreatment standards or pretreatment standard.

*CFR* means the Code of Federal Regulations as issued by the United States government. References to CFR shall be in accordance with the latest revisions unless specifically noted otherwise.

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

*Combined sewer* means a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

*Compatible pollutants* means pollutants which the treatment plant was designed to treat, which are BOD, SS, phosphorus, TKN, ammonia (NH<sub>4</sub>), and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

*Composite sample* means a series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.

*Connection charge* means that amount paid by each new premises, major addition or alteration to an existing premises, connected to the treatment works in proportion to the probable demand placed on the system to pay for the city's share of facilities required to serve the premises. Those premises outside the city connecting to the wastewater facilities shall have included in their connection charge an amount equivalent to the sums paid by property inside the city through ad valorem taxes and investments in facilities already paid by city residents.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat and applies only to once-through noncontact cooling water.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Director* means the Oakland County Water Resources Commissioner, acting as agent for the County of Oakland, or his authorized agent or representative, pursuant to the



**City of Pontiac Wastewater Treatment Facility Restructuring Agreement dated April 19, 2012, as assigned to the City of Pontiac Wastewater Treatment Facility Drainage District.**

*Easement* means an acquired legal right for the specific use of land owned by others.

*Environmental Protection Agency (EPA)* means the U.S. Environmental Protection Agency, administrator or other duly authorized official.

*Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Holding tank waste* means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Incompatible pollutants* means any pollutant which is not a compatible pollutant (see "compatible pollutant") and/or contains substances which are not amenable to treatment, or wastes which may adversely affect the treatment process, the effluent, or sludge disposal practices or cause the POTW to violate its NPDES permit.

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b), (c) or (d) of the act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

*Industrial user* means:

(1) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 10,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, divisions:

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas and Sanitary Service

(2) Any nongovernmental user of a publicly owned treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interactions with other wastes to contaminate the sludge of any municipal system, or to injure or

to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(3) All commercial users, such as restaurants, hotels, stores, filling stations, or recreational facilities, or an individual system constructed with grant assistance under section 201(h) of the Clean Water Act. Private, nonprofit entities such as churches, schools, hospitals or charitable organizations are also considered (small) commercial establishments. A commercial establishment with wastewater flow equal to or smaller than one user equivalent (generally 300 gallons per day dry weather flow) shall be treated as a residence.

(4) Any source of indirect discharge.

*Industrial wastes* means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

*Interference* means a discharge which alone or in conjunction with a discharge or discharges from other sources, both (i) inhibits or disrupts the POTW, its treatment processes or operation, or its sludge processes, use or disposal; and (ii) therefore is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

*Laboratory determination* means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in 40 CFR 136 or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this article.

*Major contributing industry* means the same as a significant industrial user.

*MDNR* means the Michigan Department of Natural Resources.

*National categorical pretreatment standard* means any national regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 U.S.C. 1347) which applies to specific categories of industrial users.

*National pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act which applies to industrial users and includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

*National pollutant discharge elimination system or NPDES permit* means a permit issued pursuant to section 402 of the act (33 U.S.C. 1342).

*National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

*Natural outlet* means any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater which does not require an NPDES discharge permit.

*New source* means any source 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 the conditions of 40 CFR 403.3(k) are met.

*Nonindustrial user* means all users of the wastewater facilities not classified as an industrial user.

*Normal domestic wastes* means wastes which are characterized by a per capita discharge of 100 gallons per day at a loading of 200 milligrams per liter (mg/l) BOD, 250 mg/l SS, 15 mg/l total phosphorus, and 40 mg/l TKN, also referred to as normal domestic sewage.

*Operation, maintenance and replacement costs* means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to operate the facilities, keep the facilities in operating condition, and maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

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

*Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

*Phosphorus* means the total phosphorus content of a sample including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to in Standard Methods as total phosphorus.

*Pollutant* means any of various chemicals, substances, and refuse materials such as dredge, spoil, solids waste, incinerator residue, sewage, garbage, sewage sludge, munitions chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes and other means, except as prohibited by 40 CFR 403.6(d).

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a national categorical pretreatment standard, imposed on an industrial user.

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

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

*Publicly owned treatment works (POTW)* means a treatment works as defined by section 212 of the act (33 U.S.C. 1292), which is owned in this instance **by the City of Pontiac Wastewater Treatment Facility Drainage District**. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the **City of Pontiac Wastewater Treatment Facility Drainage District**, users of the **City of Pontiac Wastewater Treatment Facility Drainage District's** POTW.

*Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally and which may include pumping stations, metering stations and other appurtenances.

*Sanitary wastes* means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities of dwellings, office buildings, industrial plants or institutions.

*Segregated domestic wastes* means discharges from nonresidential sources generated from normal human biological activities, separate and distinct from industrial trade or process discharges.

*Severe property damage* means substantial physical damage to property, damage to 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.

*Sewage* means the spent water of a community. Preferred term is "wastewater."

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

*Significant industrial user* means any industrial user of the city's wastewater disposal system who:

- (1) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
- (2) Has a discharge flow of 10,000 gallons or more per average workday of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
- (3) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- (4) Has in its wastes toxic pollutants as defined pursuant to section 307 of the act, state statutes and rules; or
- (5) Is found by the city, state department of natural resources or the U.S. Environmental Protection Agency (EPA) to have a reasonable potential for adversely affecting, either singly or in combination with other contributing industries, the wastewater treatment system, its operations, the quality of the sludge, the system's effluent quality, or air emissions generated by the system, unless the industrial user is determined not to be a significant industrial user in accordance with 40 CFR 403.2(t)(2).

***Significant noncompliance* means any violation of one or more of the following conditions caused by a Significant Industrial User (or any Industrial User) : (A) Chronic violations of wastewater discharge limits; (B) Technical Review Criteria (TRC) violations; (C) Any other violation of a Pretreatment Standard or Requirement (i.e. daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW 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 has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge; (E) Failure to provide, within 30 days after the due date, required reports and baseline monitoring reports, 90-day compliance reports, periodic self-**

**monitoring reports, and reports on compliance with compliance schedules; (G) Failure to accurately report non-compliance; (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.**

*Slug load* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than three times the allowable limits as defined for such substances in this article.

*Slug Discharge* means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has the reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

*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, 1972.

*Storm drain (also termed "stormwater drain")* means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source, and which is not intended to be transported to a sanitary wastewater treatment facility.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Superintendent* means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter.

*Surcharge.* As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by this chapter may be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

*Suspended solids (SS)* means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods and referred to as filterable residue.

*TKN* means the total kjeldahl nitrogen content of a sample, including all of the free-ammonia and organic nitrogen compounds which are converted to ammonium sulfate under the conditions of digestion described in Standard Methods.

*Toxic pollutant* means any pollutant or combination of pollutants which is or can potentially be harmful to the public health or environment, including those listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of section 306(a) of the Clean Water Act or which appears on the state's critical material list.

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards as set by EPA or MDNR and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

*User* means any person who contributes, causes or permits the contribution of wastewater into the POTW.

*User charge* means that amount paid by each premises connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the facilities.

*Wastewater* means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

*Watercourse* means a natural or artificial channel for the passage of water either continuously or intermittently.

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

Section 118-258 shall be amended to read as follows:

Sec. 118-258. – Building sewers and connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof except under the provisions of this section.

(b) Every person desiring a permit to make a connection with, open or tap any public sewer or drain shall first make application to **the director**, who shall consult the records with regard to the sewer or drain desired to be connected with, opened or tapped. If such connection, opening or tap can be made, **the director** shall give such applicant the approximate location with which the connection, opening or tap is to be made. Upon receipt of all fees, **the director** shall give to the applicant a permit stating that permission is granted to connect with, open or tap such sewer or drain and also state in such permit the name of the street and the abutting lot number. All permits under this section shall be issued by **the director**. No permit to connect to the system will be issued until the director has determined that there is capacity available for the wastewater to be discharged in all downstream sewers, lift stations, force mains, and the wastewater treatment plant, including capacity for compatible wastes.

(c) A separate and independent building sewer shall be provided for every building; except where one nonresidential building stands at the rear of another nonresidential building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

A single connection to the public system may be provided for several nonresidential building sewers collected by a privately owned interceptor. All provisions of this article shall apply to the privately owned interceptor.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city official responsible for the plumbing code, to meet all requirements of this article and current rules and regulations of the director as set forth in section 118-259(d). Abandoned sewers or openings shall be plugged to prevent dirt or fill material from entering the sewer system.

(e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(f) No connection or lateral extending to private property from a public sewer or drain shall be constructed except in accordance with specifications issued by the director.

(g) All new construction building sewers must have a sewer backup prevention device, to be installed by the individual responsible, as required by the city's plumbing code. All connections, tapplings or openings shall be made under the supervision of **the director**. The holder of the permit shall notify **the director** when the connection is ready for inspection.

(h) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. All refilling of the excavation made for such connection shall be under the supervision of the city officials responsible for streets.

(i) Whenever a building is demolished, thus terminating sewage flow from such location, all building connections to the sewer system shall be plugged at the tapping or opening into the sewer, unless the building sewer is found to meet the requirements of this article and the rules and regulations of the director as provided under section 118-259(d); in which case the plug shall be at the property line. Such plugging shall be made under the supervision of the director. The owner of the building shall notify the building and safety engineering division as to when the plugging shall occur.

(j) The maintenance and repair of the building sewer up to the connection with the public sewer shall be the responsibility of the user.



(k) When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 118-263 shall be amended to read as follows:

Sec. 118-263. – Specific Discharge Limits.

No person shall discharge wastewater containing in excess of (see also section 118-327(h)):

- (1) 0.5 mg/l arsenic.
- (2) 0.112 mg/l cadmium.
- (3) 0.440 mg/l copper.
- (4) **0.184 mg/l cyanide.**
- (5) 0.099 mg/l lead.
- (6) 0.0005 mg/l mercury.\*
- (7) 0.754 mg/l nickel.
- (8) 1.0 mg/l total chromium.
- (9) 1.391 mg/l zinc.
- (10) 1.0 ppm total phenols.

\* Nondetectable using EPA method 245.1 at detection level of 0.0005 mg/l, unless higher levels are appropriate because of sample matrix interference.

Section 118-267 shall be amended to read as follows:

Sec. 118-267. – Spill Prevention and Containment for Slug Discharges.

**Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense if required by the City as part of an industrial discharge permit. Detailed slug discharge control plans showing facilities and operating procedures including notification requirements, necessary for providing this protection shall be compiled in accordance with 40 CFR 403.8 (f) vi and shall be submitted to the City for**

review and approval before discharge commences. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. The Slug Discharge Plan shall contain at a minimum, the following elements:

- Description of discharge practices, including non-routine batch discharges;
- Description of stored chemicals;
- Procedures for immediately notifying the City of Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow up written notification within five (5) days;
- If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

It is the responsibility of the industrial user to notify the Control Agency of any changes in the operation of the facility that could affect the wastewater treatment plant or have the potential to change the wastewater treatment plant, when the Slug Discharge Plan has changed.

Section 118-268 shall be amended to read as follows:

**Sec. 118-268. – Accidental and/or Slug Discharges; Notice.**

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. **It is the responsibility of the user to immediately notify the POTW of any change or condition that could cause or have the potential to cause an accidental spill or slug discharge.**

- (1) *Written notice.* Within five days following knowledge of an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

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

Section 118-286 shall be amended to read as follows:

Sec. 118-286. – Compliance Data Report.

(a) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following the commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director a report containing the information listed in 40 CFR 403.12(b)(4)—(6).

(b) For industrial users subject to equivalent mass or concentration limits established by the director, the compliance date report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(c) The compliance date report shall state whether the applicable pretreatment standards or requirements 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 or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

**(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 City or the Pretreatment Standard necessary to determine the compliance status of the User.**

Section 118-287 shall be amended to read as follows:

Sec. 118-287. – Periodic Reports on Continued Compliance.

(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 the commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standard. In addition, this report shall include a record of all measured or estimated average and maximum daily flows for the reporting period for the discharge reported in section 118-286, except that the director may require more detailed reporting of flows. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, and in consideration of such factors as local high or low flow

rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

(b) The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (a) of this section shall indicate 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 director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency or monitoring shall be prescribed in the applicable pretreatment standard.

**(c) In cases where the local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation required by the City to determine the compliance status of the User.**

Section 118-288 shall be amended to read as follows:

Sec. 118-288. – Sampling and Analysis.

(a) Sampling and analysis may be performed by the city in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under 40 CFR 403.12(b) and (d). In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

(b) If sampling performed by an industrial user indicates a violation, the user shall notify the director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the initial violation unless the POTW samples the user's discharge.

(c) All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the act and contained in 40 CFR 136 and amendments thereto, or with any other test procedure approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, or where the administrator determines that 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties approved by the administrator.

(d) If an industrial user monitors any pollutant more frequently than required by the director, using the procedures prescribed in this section, the results of that monitoring shall be included in the report.

**(e) All permitted industrial users shall perform monitoring and analysis at the frequency and manner specified within the assigned "Discharge Monitoring and Limitations" section of their permit to properly assess and assure compliance with all**

**applicable Pretreatment Standards, Best Management Practices, and local limits. Grab samples and 24-hour composite samples are specified for particular parameters in the permit. 24-hour composite samples must be obtained through flow-proportional composite sampling techniques unless time-proportional composite sampling or grab sampling is authorized by the City in the permit. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the City's decision to allow the alternative sampling must be properly documented in the Industrial User file for the facility in compliance with 40 CFR 403.12(g)(3).**

**(f) Where sampling is required by the industrial user permit in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples are required for the parameters so specified in the "Discharge Monitoring and Limitations" section of the permit where historical sampling/monitoring data does not exist. For other facilities where historical sampling/monitoring results are available, the City may authorize a lower number of grab samples that still enables the user to assess and assure compliance with applicable Pretreatment Standards, best management practices, pollution prevention alternatives, or local limits as necessary for required reporting and recordkeeping.**

Section 118-304 shall be amended to read as follows:

Sec. 118-304. – Permit Conditions.

Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports.

- (8) Requirements for **maintaining and retaining plant records relating to wastewater discharges and the compliance status of permitted Best Management Practices or pollution prevention alternatives..**
- (9) Requirements for notification of the city 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.
- (10) Requirements for notification of slug discharges.
- (11) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (12) **Limits derived from the use of approved “best management practices (BMP’s), required or authorized by the City that are based from applicable General Pretreatment Standards cited in 40 CFR 403, Categorical Pretreatment Standards, local limits, and State and local law.**
- (13) Other conditions as deemed appropriate by the **Drainage District or the** city to ensure compliance with this article.

Section 118-310 shall be amended to read as follows:

**Sec. 118-310. – Signatory Requirements for Industrial User Reports.**

Any industrial user submitting a report required by sections 118-285 through 118-287 and section 118-309 shall include the following certification statement as set forth in 40 CFR 403.6(a)(2)(ii):

"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."

**The quarterly Periodic Compliance Report shall include a certification statement pursuant to 40 CFR 403 “Streamlining Rules” stating, “Best Management Practices (BMPs) required by the discharge permit are being implemented where such BMPs are used in lieu of more stringent categorical pretreatment effluent limitations.” The report shall be signed by an authorized representative (corporate officer, general partner, proprietor, or duly authorized representative as noted in 40 CFR 403.12(l)). The certification statement shall also be signed by an authorized representative of the industrial Permittee.**

Section 118-326 shall be amended to read as follows:

Sec. 118-326. – Sewer connection charges.

(a) For each permit issued by **the director**, a charge shall be made as provided in this section. A connection charge shall be made for all new buildings, major additions or alterations to buildings causing increased wastewater discharge, any land use causing the discharge of wastewater into the wastewater system and any change in wastewater flow. The connection charge shall be computed as provided in this section.

The connection charge provided in this section shall also be made where any dwelling or building is connected to the wastewater system. Before the permit can be used, evidence that the connection charge has been paid shall be filed with **the director**.

Charges for connections to the sewer system shall be computed on the basis of the number of units to be served as defined in this section. For this purpose, a unit of measure is defined as that quantity of wastewater discharged from the ordinary single-family dwelling occupied by one family; 12,000 cubic feet per year shall be used as the per unit use. In computing charges for commercial and industrial facilities or multiple residences, the number of units for which charges are to be made shall be determined from the following equivalent unit factors:

Usage	Units	Unit Factor
Auto dealers, new and/or used	1.0	per premises, plus 0.25 per 1,000 square feet of building including service area
Auto repair/collision	1.0	same as for auto dealers
Auto wash (coin-operated do-it-yourself, ten gallons or less per car)	1.0	per stall
Auto wash (mechanical, over ten gallons per car, not recycled)	10.0	per stall or production line, including approach and drying area
Auto wash (mechanical, over ten gallons per car, recycled)	5.0	per stall or production line, including approach and drying area
Barber shop	1.0	per shop, plus 0.1 per chair after two
Bar and discotheque	4.0	per 1,000 square feet
Beauty shops	1.0	per shop, plus 0.1 per booth
Boardinghouses	0.16	per person
Boarding schools	0.27	per person

Bowling alleys (no bar and no lunch facilities included)	1.0	per premises, plus 0.2 per alley, plus restaurant and bar
Churches	0.25	per 1,000 sq. ft., minimum one unit
Cleaners (pickup only)	1.0	per shop
Cleaners (cleaning and pressing facilities)	1.0	per premises, plus 0.5 per 500 sq. ft.
Clinics (medical or dental)	1.0	per premises, plus 0.5 per exam room
Convalescent or boarding homes	1.0	per premises, plus 0.25 per bedroom
Convents	1.0	per premises, plus 0.25 per bedroom
Country clubs and athletic clubs	1.5	per 1,000 sq. ft. of clubhouse, plus restaurant and bar
Drug stores	1.0	per premises, plus snack bar
Factories (office and production)	0.75	per 1,000 sq. ft.
Funeral home	1.5	per 1,000 sq. ft., plus residence to be computed separately
Fraternal organizations (members only)	1.00	per hall
Fraternal organizations (members and rentals)	2.00	per hall
Grocery stores and supermarkets	1.0	per premises, plus 0.8 per 1,000 sq. ft.
Hospitals	1.1	per bed
Hotels and motels	0.40	per bedroom, plus restaurant and bar
Jail	3.5	per bed
Laundry (self-serve)	1.0	per premises, plus 0.5 per washer
Mobile homes (freestanding)	1.0	per unit
Mobile homes (parks or subdivisions)	0.75	per pad or site at indirect connection rate, plus laundry, community buildings, and office to be computed separately per schedule



Office, including professional	0.50	per 1,000 sq. ft., minimum one
Post office	1.0	per 1,000 sq. ft.
Residence, single-family	1.0	per residence
Residence, two-family	1.0	per dwelling unit
Residence, multiple-family:		
Duplex or row houses	1.0	per dwelling unit
Apartments	0.50	per dwelling unit
Fraternity or sorority houses	0.50	per dwelling unit
Restaurants and cafeterias (meals only)	2.5	per 1,000 sq. ft.
Restaurants (meals and alcoholic drinks)	3.5	per 1,000 sq. ft.
Restaurants, auxiliary dining rooms when used less than 20 hours per week	2.0	per 1,000 sq. ft.
Schools (no cafeteria, no pool)	0.5	per classroom
Schools with cafeteria	1.0	per classroom
Schools with cafeteria and pool	1.5	per classroom
Service stations	1.5	per 1,000 sq. ft. of building area
Snack bars, drive-ins, take-outs, etc.	2.5	per 1,000 sq. ft., including stalls
Solid waste incinerator	14.0	per ton per day
Store, retail (other than listed)	1.0	per premises, plus 0.1 per 1,000 sq. ft.
Theaters	0.04	per seat
Theaters (drive-in)	0.04	per car space
Tourist courts (individual bath units)	0.27	per cubicle
Trailer parks (rental bath houses)	0.40	per trailer
Warehouse and storage	0.2	per 1,000 sq. ft.

Veterinary facility	1.5	per facility
Veterinary facility with kennel	1.5	per facility, plus 0.5 per five kennels

The connection charge shall be \$460.00 per unit for all new construction, improvements, extensions, and/or major alterations to existing improvements.

(b) Classifications not specifically listed in this section shall be assigned values as determined by the director based upon the director's estimate of the quantity of wastewater to be generated by the use in question. The owners of unlisted classifications may petition for adjustment of connection charges. Such petition shall not be considered until one year of continuous water consumption records or sewage flow records, or such other data that would establish equivalent unit values, are available. At the end of the measurement period, the director shall determine the charge based on such information. A deposit toward the sewer connection fee, as determined by the director, will be made before a permit is issued.

(c) **The director** shall devise and procure the permit forms, such permits to be consecutively numbered, and shall **be handled**, in the manner prescribed by law, all funds received as a result of the connection charges, which will be credited to the **appropriate** sewerage fund. If the records of **the director** show that a sewer connection fee has been paid, then a credit for prior use will be allowed in calculating the sewer connection charge. If no payment has been made, no credit will be allowed. **There shall be no return of** any fees or portion of fees resulting from a reduced usage.

(d) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the **Drainage District, the director, and the city** from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner shall hold the **Drainage District, the director, and the city** harmless from any loss or damage that may in any way result from or be occasioned by such installation or connection.

Section 118-327 shall be amended to read as follows:

Sec. 118-327. – User charges and fees.

(a) There is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the city or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly into the city wastewater treatment system, a charge for use of the system.

(b) The users of the city's sanitary sewer system shall be divided into classes. "Classes" shall consist of groups of users for which the wastewater characteristics are approximately equal and services provided are essentially the same. Initially, there shall be established three classes of users, as follows:

(1) Industrial users.

- (2) Nonindustrial users (all dischargers to the system not described in subsection (b)(1), above).
- (3) Outside-the-city contract users.

The director of public utilities may establish additional classes as determined to be necessary.

(c) Charges for wastewater treatment service shall be paid by each user connected to the system and shall be computed in accordance with probable demand a user places on the system and the quantity of water discharged to the system as measured by the city water meter installed thereon or by a sewage meter installed on the discharge pipe therefrom (or as estimated by the city).

(d) **Unscheduled charges.** Any system user who is responsible for damage to the system shall be charged the full cost of repair of the damage to the system. The cost shall include but is not limited to labor, equipment, materials, administrative expense, interest on borrowed funds, engineering, legal or other professional fees, and charges to the city by other utilities or departments.

(e) When a considerable amount of water delivered to any premises is not returned to the city's sewage disposal system, the director in such case may establish a special basis upon which the sewage disposal charges to such premises will be computed, or, upon a determination by either the director or the customer that the use of direct metering of sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the director shall order the installation of wastewater meters.

(f) Wastewater meters installed or replaced after the effective date of this article shall be installed by the city and shall remain the property of the city. The normal maintenance and calibration will be the responsibility of the city. The city-owned meters will be sealed by the city and no person other than authorized city agents shall change the location of, alter, or interfere in any way with any meter. Any damage which the meter may sustain resulting from carelessness of the property owner, agent or tenant or from neglect of either of them to properly secure and protect the meter shall be paid by the owner upon presentation of a bill therefor. The property owner of any premises where a meter is installed will be held responsible for its care and protection. The capital cost of the meter and the operation and maintenance costs will be recovered by the city through meter charges.

- (1) The building owner will keep the area in which the meters are located in a manner suitable for inspection or maintenance of the meter and will include but not be limited to lighting, ventilation and access, such as ladders.
- (2) The building owner will be responsible for providing all utilities necessary for the operation of sewage meters.

(g) **Rate changes.** The rates to be charged for pretreatment fees, meter fees, and for wastewater treatment presently in effect in the city shall remain in effect until changed by **the director** from time to time **pursuant to the City of Pontiac Sewerage Contract, dated**

**April 19, 2012, entered into pursuant to Public Act 342,** and when so changed, shall be published at least once in a newspaper of general circulation within the city. No change in rates shall become effective until ten days after such publication.

(h) High strength surcharges. In addition to the minimum charge and the commodity charge, any user discharging wastewater containing BOD5 in excess of 200 mg/l (or COD in excess of 500 mg/l), suspended solids in excess of 250 mg/l, total phosphorus in excess of 15 mg/l, TKN in excess of 40 mg/l, FOG in excess of 100 mg/l, or chlorine-demand in excess of 30 mg/l, shall pay additional charges, as set **by the director**, and as changed by **the director** and publication as set forth in subsection (g) of this section.

(i) Metering and monitoring fees. In addition to the other charges provided in this section, each user shall pay for sampling and metering required by this article. A fee shall be charged for each set of samples collected and analyzed. Sampling periods shall not exceed a 24-hour day. If necessary to sample during more than one 24-hour day, multiple charges will be made. Charges for such services other than tests for BOD, COD, SS, phosphorus, chlorine-demand, FOG and TKN shall be at actual cost thereof as computed by the director. The cost of testing for BOD, COD, SS, phosphorus, chlorine-demand, FOG and TKN for high strength surcharges will be established by **the director**.

(j) Any automatic adjustment of water and sewer rates, as provided at section 118-25, shall be deemed to have fulfilled the requirements of this section.

Section 118-328 shall be amended to read as follows:

Sec. 118—328. – Additional charges and fees for industrial users.

(a) **The director** may also set charges and fees for the administration and operation of the industrial pretreatment program. These charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connection either directly or indirectly with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein. Charges and fees may be established for:

- (1) Reimbursement of costs of setting up and operating the pretreatment program;
- (2) Monitoring, inspections, and surveillance procedures;
- (3) Reviewing accidental discharge procedures and construction plans;
- (4) Filing appeals; and
- (5) Other charges as **the director** may deem necessary to carry out the requirements contained in this article.

(b) The rate to be billed for use of the system for implementation of the industrial pretreatment program shall be as follows for industrial users within the sanitary sewer service area of the city:

- (1) An additional commodity charge per 100 cubic feet shall be charged for the operation and administration of the industrial pretreatment program.
- (2) Additional surcharges may be made by **the director** to compensate **the director** for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW.

Section 118-329 shall be amended to read as follows:

Sec. 118-329. - Payments; delinquent fees; lien.

- (a) All charges for connection, permits, etc., shall be payable upon application.
- (b) Charges, as defined in this division, shall be billed monthly for all users and payment shall be due as of the date of billing.
- (c) Payments shall be made at the office of **the director** or such other places as he may designate.
- (d) No free service shall be furnished by the system to any person or entity. A late payment charge of ten percent of the balance due shall be added to all delinquent payments. If the delinquent fees, penalties and charges are not paid within 30 days of the due date, an additional one percent of the total due shall be added each month until paid or entered upon a tax roll. The greater of five percent or \$20.00 will be added as a fee upon the delinquency when entered on the tax roll. After 30 days upon entrance on the tax roll, an additional one percent per month penalty shall accrue until all amounts due are paid.
- (e) Charges for services furnished to a premises, together with delinquency fees, shall be a lien on that premises, and those charges delinquent for six months or more may be certified annually for entrance of the lien on a tax roll. Such charges may be collected and the lien enforced in the same manner as general city taxes against such premises. However, in a case where a tenant is responsible for payment of the charges, and **the director** is so notified in writing signed by both landlord and tenant, including a true copy of the lease, then the charges shall not become a lien after the date of the notice. Upon receipt of such notice, **the director** shall render no further service to the premises until a cash deposit equal to two average billings as compiled over the preceding 12 months, or \$100.00, whichever is greater, is made as security for payment of the charges. In such a case, if payment of the account is delinquent, the premises shall be subject to an immediate shutoff of service and the security deposit shall be applied to the delinquency.

## **Section 2. Severability.**

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Repealer.**

All Ordinances or parts of Ordinances in conflict herewith except as otherwise provided in this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4. Saving Clause.**

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**Section 5. Emergency Declaration.**

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect from the time of its adoption and publication as required by law.