

NOTICE

At a Regular Rochester Hills City Council Meeting held at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Oakland County, Michigan on Monday, December 14, 2020:

Present: President Ryan Deel, Members David Blair, Susan Bowyer, Dale Hetrick, Stephanie Morita, Theresa Munglioli and David Walker

QUORUM PRESENT

MOTION BY Morita, seconded by Munglioli that **Ordinance No. 624** an Ordinance to Amend Sections 102-26, 102-31, 102-32, 102-94, 102-122, 102-125, 102-126, 102-156, 102-157, 102-187, 102-188, 102-258, 102-259, 102-260, 102-261, 102-262, 102-263, 102-291, 102-293, 102-294, 102-295, 102-323, 102-325, 102-326, 102-328, 102-357, 102-358, 102-359, 102-386, 102-388, 102-390, 102-394, 102-480, 102-481, 102-511, 102-512, 102-513, 102-514, 102, 515, 102-516, 102-518, 102-525, 102-527, 102-531, 102-538, 102-548, 102-549, 102-550 and 102-701 in Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update terminology relating to the Municipal Water and Sewage Disposal System, and to repeal conflicting or inconsistent ordinances;

BE AND IS HEREBY ADOPTED and shall become effective on Monday, December 21, 2020, following its publication in the Oakland Press.

Ayes: Blair, Bowyer, Deel, Hetrick, Morita, Munglioli and Walker

Nays: None

Absent: None

MOTION CARRIED

ORDINANCE NO. 624

AN ORDINANCE TO AMEND SECTIONS 102-26, 102-31, 102-32, 102-94, 102-122, 102-125, 102-126, 102-156, 102-157, 102-187, 102-188, 102-258, 102-259, 102-260, 102-261, 102-262, 102-263, 102-291, 102-293, 102-294, 102-295, 102-323, 102-325, 102-326, 102-328, 102-357, 102-358, 102-359, 102-386, 102-388, 102-390, 102-394, 102-480, 102-481, 102-511, 102-512, 102-513, 102-514, 102, 515, 102-516, 102-518, 102-525, 102-527, 102-531, 102-538, 102-548, 102-549, 102-550 AND 102-701 IN CHAPTER 102, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO UPDATE TERMINOLOGY RELATING TO THE MUNICIPAL

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WATER AND SEWAGE DISPOSAL SYSTEM, AND TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 102-26 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-26. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or otherwise defined for the particular purpose of an article of this chapter:

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in terms of mass and concentration (milligrams per liter (mg/l) as measured by standard methods.

~~*Capacity charge* means a charge to each user of the water and sewer systems for having the systems in place and available to serve.~~

Chemical oxygen demand (COD) means the quantity of oxygen utilized from a chemical oxidant in a specific test.

Chlorine demand means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period.

Commodity charge means the charge related to the number of gallons of water used, in the case of the water supply system, or water and sewage received for treatment by the sewer system, including the cost of purchase by the city of water, sewage treatment, electricity and labor related thereto.

Compatible pollutant means a substance amenable to treatment at the Detroit Metro Wastewater Treatment Plant such as BOD, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the National Pollutant Discharge Elimination System permit for the Detroit Metro Wastewater Treatment Plant which is designed to treat such pollutants and in fact does remove such pollutants to an acceptable degree.

Critical material means the organic or inorganic substances, elements or compounds listed in the register compiled by the state department of natural resources.

Customer charge means a charge rendered to each customer of the water and sewer systems to cover the cost of servicing customers with such items as meters, connections, bills, meter reading, postage, etc.

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Daily average shall be based upon a minimum of eight grab samples taken at one hour intervals.

Debt service and debt service charge means the charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the local portion of the system.

Detroit capital charge means a charge for the City of Detroit capital expense as this city is required to pay pursuant to contract and law to pass on to the users of the system.

DNR means the state department of natural resources.

Incompatible pollutant means any pollutant which is not a compatible pollutant as defined in this section.

Industrial user means a person who contributes, causes or permits wastewater to be discharged into the POTW, including but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

Industrial waste means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

Measurements, tests and analyses means measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article which shall be determined in accordance with the current edition of Standard Methods For Examination of Water and Wastewater, published by the American Public Health Association, and in accordance with 40 CFR 136 entitled "Guidelines Establishing Test Procedures For Analysis of Pollutants," or as otherwise specified in this article.

Natural outlet means any outlet into a watercourse, pond, lake, or other body of water, either surface water or groundwater.

Nonresidential means a use of premises which is nonresidential, being institutional, commercial, industrial, etc., but does not include schools, churches, or government buildings.

Operation, maintenance and replacement means the expenditures required for operating, maintaining and replacement of the treatment works.

Owner means the owner of record of the freehold of the premises or the lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person in control of a building.

pH means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity deemed to be equal to concentration in moles per liter.

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Premises making a direct line connection means, for the purposes of section 102-188, a building, structure, or unit making a direct private service line connection to any public water and/or sanitary sewer line which has not been either privately constructed and paid for on behalf of the premises or publicly financed at least in part by means of special assessments levied against the property on which the premises are located. It shall not include a building, structure, or unit in a project or development which has an internal system of laterals, except a building, structure, or unit for which there is a direct private service line connection into the public water and/or sanitary sewer line as defined in section 102-188.

Property abutting a water or sewer line means for purposes of computing the lateral benefit charge for both water and sanitary sewer for acreage parcels not involving a freestanding single-family residence, that part of the property abutting which is part of the area to be or reasonably expected to be occupied and/or used by the occupants of the premises in more than an incidental way, taking into consideration the area for parking, the area to be landscaped and/or maintained, the area sectioned off or delineated in order to obtain a building permit and such other relevant factors as may appear. (Examples would be the dividing of a development into phases and the lateral charge being assessed only against the first phase, or an industrial factory only actually utilizing four of 50 acres.)

Public sewer means a sewer of any type which is controlled by a governmental entity.

Replacement costs means the expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

Residential unit or unit means a freestanding single-family residence, each residence in a townhouse or cluster house, each apartment in an apartment building, each half of a duplex house, each trailer or mobile home in a mobile home park, and includes schools, churches, or government buildings.

Revenues or net revenues means as defined in section 3 of Public Act No. 94 of 1933 (MCL 141.103).

Sanitary sewage means any liquid wastes discharged from residences, business buildings and institutions, as distinct from industrial wastes, and not exceeding the parameters specified in subdivision IV of division 2 of this article.

Sanitary sewer means a sewer which carries sewage and to which stormwaters and surface waters are not intentionally admitted.

Sewage treatment charge means the charge for treatment of sewage accepted by the system, including charges for operation, maintenance and replacement of the system, debt service and the Detroit capital charge, and any surcharges.

Slug means 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 five times the average 24-hour concentration of flow during normal operation.

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Storm sewer means a sewer which carries stormwaters and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

Surcharge means the additional charge that a user discharging wastewater having strength in excess of the limits set by the city for transmission and treatment within the sanitary sewer system will be required to pay to meet the cost of treating such excessively strong wastewater.

Suspended solids means the solids that either float on the surface of or are suspended in the water, sewage or other liquids and which are removable by laboratory filtering or as measured by standard methods.

User means any water or sewer service customer and the owner of the premises served by water or sewer service, and includes any person who, directly or indirectly, contributes, causes, or permits the discharge of wastewater into the publicly owned treatment works, as defined in this section.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Section 2. Section 102-31 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-31. – Management and operation.

- (a) *City council authority.* For the purposes of this article, the city council shall have the following responsibilities:
- (1) *Supervision and control.* The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the city council.
 - (2) *Hiring.* The city council may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the system.
 - (3) *Legislation.* The city council may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient management and operation of the system.
- (b) *Administration as department.* The city water supply and sewage disposal system shall be administered as a regular [department/division](#) of the city government by the department of public service.
- (c) *Inspectors.* The mayor and other duly authorized city officials or employees [and agents of the state water resources commission](#) bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with this article at any time during reasonable or usual business hours.

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Section 3. Section 102-32 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-32. – Compliance with county standards.

No person shall connect with any sanitary or combined sewer in the city until such person has complied with all standards and regulations of the ~~county department of public works and the county drain commissioner's office~~Oakland County Water Resources Commissioner's Office.

Section 4. Section 102-94 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-94. – Shut off and turn on charges.

- (a) In addition to sections 102-91 through 102-93, the city shall have the right to shut off water and/or sewer service to any premises for which charges for water and/or sewer service are more than 30 days delinquent.
- (b) Water shutoff shall be preceded by a termination of service notice, which shall be sent by first class mail and shall inform the user that failure to pay the past due amount, including any penalties, within 14 days will result in termination of service. This notice will also inform the user that the user may request an administrative hearing seven days prior to any termination of service. At the hearing the user will be given an opportunity to show why service should not be terminated.
- (c) If the payment is not received or satisfactory arrangements have not been made or a hearing has been requested within 14 days after the termination of service notice is mailed to the user, the supply of water shall be discontinued.
- (d) Such service shall not be reestablished until all delinquent charges and penalties and a turn on charge of \$~~1156~~.00 have been paid.

Section 5. Section 102-122 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-122. – Monthly charges.

Charges for water service to every premises connected to the water supply system for each monthly (one month) period, shall be as follows:

- (1) *Customer charge.* There shall be a customer charge to each water customer of the system as prescribed in section 54-741.
- ~~(2) *Capacity charge.* There shall be a capacity charge for each premises connected to the water supply system as prescribed in section 54-741.~~
- ~~(3)~~ *Commodity charge.* There shall be a commodity charge for each 100 cubic feet of water as prescribed in section 54-741.

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- (43) *Fire line availability charge.* There shall be a monthly charge for each unmetered fire line connection for fire sprinklers and hydrant service as prescribed in section 54-741.

Section 6. Section 102-125 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-125. – Temporary meter permit.

Any person may apply to the department of public services for a temporary permit for a water meter for temporary use for such things as filling of swimming pools, new lawns, construction, etc. The sewer rate shall not apply to water used under the temporary permit. The meters shall be made available according to the procedures adopted by the department of public services, and billing shall be on subsequent statements.

Section 7. Section 102-126 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-126. – Temporary use of public hydrants.

- (a) *Generally.* For premises not connected to the public water system, there may be use of public hydrants on a temporary basis, as set forth in section 102-125. Permits may be obtained from the department of public services.
- (b) *Minimum hydrant charge.* The charge shall be for the water used, according to the rates as set forth in section 54-742.
- (c) *Hydrant adapter charge.* In addition to the minimum charge for the use of a hydrant, there shall also be a hydrant adapter charge as set forth in section 54-742.

Section 8. Section 102-156 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-156. – Service rates.

- (a) *Customer charge.* There shall be a customer charge to each customer of the water supply and sewage disposal system for sewage treatment service as prescribed in section 54-743.
- ~~(b) *Capacity charge.* There shall be charged for every premises connected to the city sewer system a capacity charge per residential unit or unit factor as prescribed in section 54-743.~~
- (eb) *Commodity charge.* There shall be a monthly commodity charge for sewage treatment, as follows:
- (1) *Metered water supply or sewage flow.* For premises with a metered water supply or with a meter to measure sewage flowing to the sewer, there shall be

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a commodity charge for each 100 cubic feet of water or sewage metered, depending upon the type of meter utilized, as prescribed in section 54-743.

- (2) *Nonmetered water supply or sewage flow.* For premises without a meter to measure water or sewage flowing to the sewer, there shall be a commodity charge per residential unit or unit factor as prescribed in section 54-743.

Section 9. Section 102-157 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-157. – Nonresidential surcharge.

There shall be an additional surcharge for all commercial and industrial premises that are connected to the city sanitary sewer system as follows:

- (1) *Metered water supply or sewage flow.* For premises with a water meter or with a meter to measure sewage flowing to the sewer, an additional surcharge shall be charged as prescribed in section 54-744.
- (2) *Nonmetered water supply or sewage flow.* For premises without metered water or a meter to measure sewage flowing to the sewer, the charge shall be as set forth in section 54-744 by using the equivalent to a meter size as provided in the following schedule. The reference to the units assigned is to a unit assignment factor schedule adopted by the county department of public works, effective September 1, 1981, or as it may be amended from time to time, which schedule is adopted by the city and is incorporated in this section by reference.

Units Assigned in Accordance With Current County Department of Public Works Oakland County Water Resources Commissioner Schedule of Unit Assignment Factors	Assigned Water Meter Size (inches)
1 - 4	5/8
5 - 10	1
11 - 20	1 ½
21 - 32	2
33 - 64	3
65 - 100	4
101 - 200	6

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Section 10. Section 102-187 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-187. – Lateral benefit charge.

- (a) *Use privilege established.* For the purposes of this section, refer to the definition of the term “premises making a direct line connection” in section 102-26. There shall be paid on behalf of any premises making a direct private connection to any public water and/or sanitary sewer line which has not been either privately constructed and paid for on behalf of the premises or publicly financed at least in part by means of special assessments levied against the property on which the premises are located, for the privilege of making use of the public water or sewer line as a water or sanitary sewer lateral, at the time of application for a tap permit, a lateral benefit charge as provided in this section.
- (b) *Freestanding single-family residence.* For each freestanding single-family residence, the charge shall be as prescribed in section 54-747.
- (c) *Nonsingle-family residence.* For any premises other than a freestanding single-family residence, the charge shall be as prescribed in section 54-747.
- (d) *Acreage parcels.* For the purposes of this subsection, refer to the definition of the term “property abutting a water or sewer line” in section 102-26. Determination of the property abutting the line for which a lateral benefit charge shall be paid shall be made by the department of public services, which determination may be reviewed by the city council at the request of the property owner.

Section 11. Section 102-188 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-188. – Capital charge credits.

- (a) *Determination.* For those premises in projects and/or developments for which a lateral benefit charge has been paid prior to October 17, 1975, for a connection to a public water and/or sanitary sewer line where there was an internal system of laterals, \$150.00 shall be allowed as a credit against each capital charge to be paid for the same project or development, up to the amount of the lateral benefit charges previously paid if other than where there were direct private service line connections to public water and/or sewer lines.
- (b) *Project and/or development for which lateral benefit charge has been paid.* The term "project and/or development for which a lateral benefit charge has been paid," for purposes of the credit, shall be defined as property under common ownership at the time of payment of the lateral benefit charge, but only so much of the property that abutted the public water and/or sanitary sewer line for which the charge was paid.

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- (c) *Premises excluded.* Premises in another phase of development of the property shall not be entitled to the credit if the area under development abuts, directly or by way of common ownership, any additional water and/or sanitary sewer line for which the lateral benefit charge has not been paid.
- (d) *Final determination by council.* Any dispute by a property owner of an interpretation by the department of public services as to whether a credit shall be allowed shall be submitted to the city council for final determination according to the intention and standard set forth in this section.
- (e) *Payees.* Payees shall be as follows:
 - (1) *Original owner.* A credit shall only be allowed if the person paying the capital charge is the same person who paid the lateral benefit charge, for which there may be a credit allowed.
 - (2) *New owner.* If it is a different person paying the capital charge, a written release by the person who paid the lateral charge shall be presented to the city allowing the credit to be given to the party paying the capital charge.

Section 12. Section 102-258 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-258. – Enforcement by department of public services.

The department of public services is responsible for enforcing this article.

Section 13. Section 102-259 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-259. – Administration.

- (a) *Department of public services director's responsibilities.* For the purposes of this article, the department of public services director, who shall be appointed by the city council and at all times responsible to the council, shall have the following responsibilities:
 - (1) *Maintenance of system.* The department of public services director shall have charge of the maintenance and operation appurtenances of the water system.
 - (2) *Supervision of extensions and alterations.* The department of public services director shall supervise all extensions and alterations of the system as the council may direct.
 - (3) *Meter reading.* The department of public services director shall be responsible for reading the meters.
 - (4) *Report to council.* The department of public services director shall report to the city council as requested.

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- (b) *Treasurer's responsibility.* The responsibilities of the city treasurer under this article shall be as follows:
- (1) *Collection of water bills.* The city treasurer shall be responsible for the collection of water bills as provided in section 102-328.
 - (2) *Deposit of water revenues.* The city treasurer shall deposit water revenues in a manner approved by the city but shall keep such revenues in a separate and distinct account.

Section 14. Section 102-260 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-260. – Water mains.

- (a) *Control by department of public services director.* The city water mains shall be under the control of the director of the department of public services.
- (b) *Extensions and alterations.* Extensions and alterations shall be in accordance with the following:
- (1) *Authorization and supervision.* Extensions and alterations to the system of water mains shall be made under the supervision of the department of public services director, but only upon authorization by the city council.
 - (2) *Petitions for extension.* Petitions for extensions of water mains shall be addressed to the city council.

Section 15. Section 102-261 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-261. – Inspections.

- (a) *Right of entry.* The ~~water superintendent~~ department of public services director, the city engineer and/or the operator in charge for the water system shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the water department system to any premises for such purpose.
- (b) *Basis for termination of service.* If any authorized agent of the department of public services shall be refused admittance or is in any way hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving 24 hours notice to the owner or occupant thereof.

Section 16. Section 102-262 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

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Sec. 102-262. – Repairs or extensions.

If it becomes necessary to shut off the water from any section of the city because of any accident or for the purpose of making repairs or extensions, the department of public services will 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. However, the failure to give such notice shall not render the department of public services responsible or liable in damage for any inconvenience, injury, or loss which may result therefrom.

Section 17. Section 102-263 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-263. – Water supply emergency.

- (a) *Determination of emergency.* Whenever the mayor is advised by the department of public service director or receives notification from the ~~Detroit Water and Sewerage Department~~Great Lakes Water Authority in conjunction with the division of drinking water and radiological protection of the ~~state department of environmental quality~~Michigan Department of Environment, Great Lakes, and Energy that, due to drought conditions, depletion of water supply, reduction in water pressure or other reasons, there is a threat of loss or significant reduction of pressure or water supply to the city or areas of the city, the ~~mayor~~Rochester Hills designated operator in charge shall determine that a water emergency exists.
- (b) *Broadcast of emergency declaration.* On finding such an emergency to exist, the ~~mayor~~Rochester Hills designated operator in charge and/or the ~~Detroit Water and Sewerage Department~~Great Lakes Water Authority shall cause a declaration of such water supply emergency to be publicly announced by broadcast by radio stations or broadcast or telecast or television stations with a normal operating range covering the city and may cause such declaration to be posted at the city's municipal offices and further announced in ~~newspapers of general circulation, when feasible~~social media outlets.
- (c) *Record of public announcements.* The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with subsection (b) of this section.
- (d) *Declaration valid irrespective of notice.* A water supply emergency shall be deemed to exist irrespective of whether broadcast notification is provided under subsection (b) of this section as to persons otherwise provided with direct notice of such a water supply emergency.
- (e) *Emergency declaration prohibition.* During a water supply emergency, no person shall use water from the city water supply system for any type of outdoor use, other than responding to a fire emergency, in the areas of the city to which the emergency declaration applies. The prohibition shall remain in effect 24 hours a day, seven days

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a week, until the water supply emergency is declared terminated by the [mayorwater system operator in charge or appropriate back up personnel](#).

- (f) *Less restrictive prohibition authorized.* The mayor may provide for a less restrictive prohibition when the [mayor and the Detroit Water and Sewerage Departmentwater system operator in charge and the Great Lakes Water Authority](#) determine that a less restrictive prohibition will be sufficient to protect the capacity and pressure of the water supply system. The terms of such a limited prohibition shall be made a part of the emergency declaration.
- (g) *Written exceptions to prohibitions.* The mayor may provide written exceptions to the prohibitions of this section where necessary to prevent imminent excessive financial loss to a water user. Such written exceptions may include the imposition of less restrictive prohibitions on such user than those generally imposed under this section.
- (h) *Termination of emergency regulations.* Upon notification from the [Detroit Water and Sewerage BoardGreat Lakes Water Authority](#) that emergency regulations are no longer necessary, the mayor shall cause a public announcement terminating the water usage restrictions.
- (i) *Violations.* Any person who violates this section shall be responsible for a municipal civil infraction.

Section 18. Section 102-291 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-291. – Permit requirements.

- (a) *Required.* No connection shall be made to any water main without obtaining a water service connection permit from the city. The application for the permit must be made by the owner of the premises to be served or if made by the tenant, the application must include the owner's approval for the connection that the tenant is applying for.
- (b) *Capital, lateral, tap-in charges paid.* A water service connection permit shall only be issued upon presentation of a paid receipt from the city treasurer certifying all applicable capital, lateral and tap-in charges as required by article II of this chapter and the cost of the meter have been paid or a contract has been entered into for deferred payments for such part of the charges that might be deferred, as provided in article II of this chapter.
- (c) *Preinspection.* Before a water service connection permit is issued, if the water service is to replace a private water system, there shall be a preinspection at a cost as provided in section 54-806. The preinspection shall be by the building department, which shall determine the private water system is in good working order for the health of the occupants and that all rules and regulations regarding cross connections and provisions for cross connections as authorized and/or stated in this article and the state plumbing code have been met. [Alternately, the City may elect to utilize a contracted consultant to perform the required cross connection inspection.](#)

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- (d) *Plumbing permit.* If there are to be any alterations of the water distribution lines in the building to allow the installation of the water meter, a plumbing permit shall be obtained. An inspection shall be requested and made after the meter template is installed.
- (e) *City park drinking fountains.* No water service connection permit or capital or lateral charges shall be required for freestanding drinking fountains located at city-operated parks.

Section 19. Section 102-293 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-293. – Installation.

- (a) *Specifications.* All pipes, equipment and meters used to provide water service to any premises shall be laid and installed as provided in the ~~specifications for Avon Township Water District No. 1, as prepared by Johnson and Anderson, Registered Engineers, which specifications are incorporated and made a part of this article by reference, copies of which shall be available in the office of the city clerk~~current version of the Rochester Hills engineering design standards, specifications, and standard detail sheets.
- (b) *Prohibitions.* The following shall be prohibited:
 - ~~(1) — Between buildings. No connection through which water may pass from one house or business building to another shall be constructed, though the ownership of both properties may be the same.~~
 - (21) *Boilers or water heaters.* No boiler or water heater shall be directly connected to the service pipe. For boiler or hot water heaters there shall be a check valve and shutoff valve between the boiler and service pipe. There shall be no connection between the protective check valve and shutoff valve and the boiler or hot water heater. The owner shall make such provisions as may be required by the department of public services before the water may be supplied to such an installation.
- (c) *Owner responsibilities.* Responsibilities of the owner shall be as follows:
 - (1) *Pipe installation.* The owner or his contractor shall install the necessary pipe from the property line into the building and the meter.
 - (2) *Protection of stop box.* If freezing weather occurs, it shall be the responsibility of the owner to cover the stop box with straw or other suitable material to protect pipes from freezing and to assume the cost of repairing any damage that may be done from frost or other causes. There shall be no backfilling or covering of any pipe before the proper inspections are made.

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- (d) *Discontinuing prohibited connections.* If the city discovers an existing connection that would be prohibited under subsection (b) above, the city may require the owner of the premise to disconnect the prohibited connection.

Section 20. Section 102-294 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-294. – Inspection of connections.

When the water pipe is laid, the department of public services shall be requested to make an inspection. The pipe and all connections shall be left uncovered until they are inspected and approved.

Section 21. Section 102-295 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-295. – Initiation of service.

When new water service pipes are put into any premises, the service cock shall be left closed and will thereafter be opened only by an authorized employee of the department of public services and only upon the request of the owner or his agent. However, a plumber may open and close a service cock to test his work.

Section 22. Section 102-323 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-323. – Location.

Water meters shall be set in an accessible location and in a manner satisfactory to the director. Where the premises contain no basement or cellar, the meter shall be installed in a location which shall be approved by the director. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner as directed by the department of public services director and to his entire satisfaction.

Section 23. Section 102-325 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-325. – Restrictions.

- (a) *Maintenance.* All water meters shall be owned and maintained by the city.
- (b) *Seals.* Meters will be sealed by the department of public services, and no one except an authorized employee of the department of public services may break or injure such seals.
- (c) *Changes.* No person other than an authorized employee of the department of public services may change the location of, alter, or interfere in any way with the meter.

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Section 24. Section 102-326 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-326. – Area maintenance.

- (a) *Owner's authority.* The owner of any premises using metered water may, upon application, preinspection, signing of an agreement as provided for in this section and obtaining a permit and paying such fees as required in section 54-776, install a separate water meter for metering the use of water for area maintenance.
- (b) *Fees.* The required fees are set forth in section 54-776.
- (c) *Cost.* The cost of the area maintenance meter and its installation shall be paid by the property owner.
- (d) *Connections.* The area maintenance meter shall be connected on the water line coming into the building from the public water supply immediately after the regular meter for the premises. Only lines approved by the city department of public services shall be connected to the area maintenance meter. There shall be no connections or use of water directly from the area maintenance meter for other than approved outdoor area maintenance.
- (e) *Right of entry.* The department of public service and/or the building department [or a consultant contracted by the City to perform cross connection inspections](#) shall, at any reasonable hour, have the right to enter any building wherein there is an area maintenance meter to inspect the meter and piping system to see that there are no violations respecting the area maintenance meter. The refusal of entry, upon request, shall be deemed evidence of a violation.
- (f) *Agreement.* An owner shall enter into an agreement with the city before receiving a permit for an area maintenance meter, which agreement shall include a statement that the owner shall not make nor shall the owner allow anyone else to make any illegal use of the area maintenance meter.
- (g) *Violation options.* Upon there appearing to be a violation of the provisions for the area maintenance meter, the city shall, at its option:
 - (1) *Disconnect/suspend water service.* Disconnect or cause the disconnection of the area maintenance meter. The city may suspend water service to the premises until the disconnection has occurred.
 - (2) *Sewer charges.* Charge the owner for whatever sewer charges should have been charged.
 - (3) *District court citation.* Issue a citation for a violation of this article to be answerable in the district court.

Section 25. Section 102-328 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

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Sec. 102-328. – Charges.

- (a) *Rates.* The rates for consumption of water shall be and are set forth in divisions 2 and 3 of article XII of chapter 54.
- (b) *Collection.* The city treasurer shall make the collection for water used in the system, and the city shall bill each user on a bi-monthly basis.

Section 26. Section 102-357 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-357. – Temporary permit.

If a permit is issued as provided in this article and a water meter has been installed for the temporary use of water, the owner shall notify the department of public services upon the completion of his work so that the water meter may be read and the connection shut off.

Section 27. Section 102-358 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-358. – Temporary vacancy.

- (a) *Written notice.* If temporary vacancy of any premises occurs, water will be turned off at the service cock and the meter removed at the discretion of the director, upon written notice to the department of public services, and will be turned on again and the meter reinstalled when requested, upon payment of a turnoff fee and turn-on fee or a combined charge as provided in section 54-776.
- (b) *Notification.* Where premises are left unoccupied and the owner or occupant does not request the water turned off by the department of public services, no rebate will be allowed. No allowance will be made for any water registered by the meter that may leak or waste through the plumbing or fixtures.

Section 28. Section 102-359 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-359. – Fire hydrants.

- (a) *Authorization required.* Fire hydrants may be opened and used only by the city department of public services and the fire department or by such persons as may be specifically authorized by the department of public services.
- (b) *Free access.* No person shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any object or materials of any kind within 20 feet of the hydrant.

Section 29. Section 102-386 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

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Sec. 102-386. – Prohibitions.

- (a) *Generally.* A cross connection shall not be made:
 - (1) Between a public water supply system and a secondary water supply.
 - (2) By submerged inlet.
 - (3) Between a public water supply and piping which may contain sanitary waste or chemical contaminant.
- (b) *Discontinuing prohibited connections.* If the city discovers an existing cross connection that would be prohibited under subsection (a) above, the city may require the owner of the premise to disconnect the prohibited cross connection.
- (c) *Taps.* No person shall, without first procuring a permit from the department of public services, tap any water main or distribution pipe of the city water system or insert a fixture or appliance or alter or disturb any service pipe, corporation stop, curb stop, gate valve, hydrant, water meter or any other attachment being part of the city water system.
- (d) *Water service pipe.* No person shall, without first procuring a permit from the department of public services, install any water service pipe or connect or disconnect any such service pipe with or from the mains or distribution pipes of the city water system or with or from any other service pipe connected with the system or make any repairs, additions to, or alterations of any such service pipe, tap, stop cock or any other fixture or attachment connected with any such service pipe.

Section 30. Section 102-388 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-388. – Inspections.

- (a) *Required.* It shall be the duty of the department of public services to cause inspections to be made of all property served by the public water supply where cross connections with the public water supply is deemed possible.
- (b) *Frequency.* The frequency of inspections and reinspections based upon potential health hazards involved shall be as established by the department of public services.
- (c) *Right of entry.* The department of public services shall have the right to enter at any reasonable time any property served by a connection to the public water supply system for the purpose of inspecting the piping system thereof for cross connections.
- (d) *Furnishing of information.* On request the owner, lessee or occupant of any property shall furnish to the inspector any pertinent information regarding the piping system of such property.
- (e) *Discontinuance of service.* Service may be discontinued as follows:

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- (1) *Refusal of information.* The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- (2) *Violations.* The director of the department of public services is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with this article.

Section 31. Section 102-390 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-390. – Backflow device repair and test.

- (a) *Certified persons.* Only persons certified or licensed by the state health department shall repair and test any backflow device.
- (b) *Tags.* All such devices shall be tagged, which tag shall contain the following information:
 - (1) The name, address, telephone number of the person installing, repairing or testing the device;
 - (2) The date of inspection; and
 - (3) The inspector's name.
- (c) *Test results.* A copy of each test result shall be delivered to the city department of public services.

Section 32. Section 102-394 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-394. – Restriction.

To conserve water and reduce water consumption during peak hours, the outdoor watering of lawns, gardens, plants, trees, shrubs and other landscape shall be regulated as follows:

- (1) *Applicability.* This section shall apply to all customers of the city's water supply system engaged in outdoor watering. However, this section shall not apply to outdoor watering from a well, pond or other water source that is not connected to or supplied by the city's water supply system, nor shall it apply to outdoor watering associated with commercial agriculture, farming, tree and plant nursery and golf course operations.

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- (2) Automatic system hours. Except as permitted in subsection (c), below, outdoor watering by means of an automatic or programmable landscape irrigation system may be done only between the hours of midnight to 5:00 a.m., [State of] Michigan time.
- (3) Manual irrigation. A water user may, at any time, manually irrigate landscaping by means other than an automatic or programmable landscape irrigation system. Also, an automatic or programmable landscape irrigation system may occasionally be used in unprogrammed manual mode for brief periods and as necessary for testing, repair and winterizing purposes.
- (4) Request for relief. If the foregoing outdoor watering restrictions create a hardship, the water user may request relief from the director of the department of public services or the director's designee. The requester shall specify the nature and duration of the requested relief and shall explain the hardship caused by the restriction. The director or designee may grant, modify or deny the requested relief, taking into consideration the contractual obligations of the city regarding the city's water supply system, prevailing weather conditions, any unusual or extenuating circumstances, water supply and water supply system conditions, and the particular circumstances of the requester. The decision of the director or designee shall be final.
- (5) Violation. The water customer and the owner or occupant of premises where outdoor watering in violation of this section occurs shall be responsible for a municipal civil infraction in accordance with Chapter 66 of the Code of Ordinances.
 - a. First offense. For a first offense within a calendar year, the violator shall receive a warning, with no fine.
 - b. Subsequent offense. For any subsequent or repeat offense within a calendar year, the violator shall be responsible for a municipal civil infraction punishable by a civil fine of not more than \$500.00 and/or such other sanctions for municipal civil infractions prescribed in section 1-16 of the Code of Ordinances.

Section 33. Section 102-480 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-480. – County connection permit.

Before either a direct or indirect connection is made into any interceptor sewer of the county, a connection permit shall be obtained by the owner or contractor from the ~~county department of public works~~[Oakland County Water Resources Commissioner's Office](#). This permit shall be obtained prior to work being done on the connection. Such permit shall be obtained in accordance with the rules and regulations of the ~~county department of public works~~[Oakland County Water Resources Commissioner's Office](#).

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Section 34. Section 102-481 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-481. – Specifications.

- (a) *Plugging and capping of pipe inside building.* When construction of a building occurs, the pipe connected to the sewer which is inside the building shall be plugged or capped and shall remain plugged and capped so as to remain watertight until such time as the plumbing is carried to the first floor. Water shall not be allowed to enter the public sanitary sewer from an excavated uncompleted building or building site, a storm drain, or any other source except as specifically approved by this Code.
- (b) *Storm drainage prohibited.* No surface water, roof water, footing drain water or groundwater from any source shall be allowed to enter the sanitary system by any method or device whatsoever, and no connection shall be permitted which permits other than sanitary sewage to flow thereunto.
- (c) *Inspection.* There shall be an opportunity provided for the inspection after all pipe is in place and before the backfilling of any trench or the covering of any pipe.
- (d) *Septic tanks.* When the public sewer is to be connected to a building, the septic tank shall be disconnected from the building and shall be pumped and its contents removed by a licensed tank cleaner in accordance with the following:
 - (1) *Collapse and fill.* If the tank is to be abandoned, it shall then be collapsed and filled with earth, preferably sand, and the earth and/or sand shall be compacted.
 - (2) *Fill.* If the collapsing of the tank is impractical, it shall be filled with sand to at least the tank outlet level, and the inlet to the tank shall be filled with concrete.
- (e) *Between buildings.* No connection through which sewage may pass from one building or structure to another shall be made, ~~under any circumstances unless~~ [exception is given by the director of the department of public services.](#)

Section 35. Section 102-511 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-511. – Delegation of authority.

The ~~City of Detroit, through the Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#), as the state approved Control Authority, is authorized to administer and enforce the provisions of this article on behalf of the City of Rochester Hills. The City of Rochester Hills has executed and hereby ratifies its delegation agreement with the ~~City of Detroit through the Detroit Water and Sewerage Department~~[Great Lakes Authority](#), which sets forth the terms and conditions of such delegated authority, consistent with this article,

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and shall allow the ~~Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#) to perform the specific responsibilities of control authority pursuant to state and federal law.

Section 36. Section 102-512 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-512. - Purpose.

- (a) The purpose of this article is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the City of Rochester Hills and enabling the City of Rochester Hills to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 USC 1251 et seq, and the General Pretreatment Regulations, being 40 CFR part 403.
- (b) *The objectives of this article are:*
 - (1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the people or of employees of the ~~City of Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#) and the City of Rochester Hills;
 - (2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and
 - (4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.
- (c) This article provides for the regulation of contributors to the ~~Detroit~~[Great Lakes Water Authority](#) and City of Rochester Hills wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

Section 37. Section 102-513 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

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Sec. 102-513. – Authority.

By virtue of the obligations and authority placed upon the City of Rochester Hills; by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 USC 1251 et seq; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being MCL 323.1 et seq; ~~the Detroit City Charter;~~ the National Pollutant Discharge Elimination System (NPDES) permit for the ~~City of Detroit~~[Great Lakes Water Authority](#) Publicly Owned Treatment Works (POTW); the Consent Judgment in U.S. EPA v. City of Detroit et al, U.S. District Court for the Eastern District of Michigan Case No.77-1100, as amended; and existing or future contracts between the board of water commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this article shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the ~~City of Detroit~~[Great Lakes Water Authority](#) POTW.

Section 38. Section 102-514 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-514. – Definitions.

For purposes of this article and unless the context specifically indicates otherwise, the following terms and phrases, shall have the meanings ascribed to them by this section:

Act or the act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 USC 1251 et seq.

Authorized representative of industrial user means:

- (1) Responsible corporate officer, where the industrial user submitting the reports required by this division is a corporation, who is either (a) the president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or (b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or
- (2) A general partner or proprietor where the industrial user submitting the reports required by this division is a partnership or sole proprietorship respectively.

Available cyanide means the quantity of cyanide that consists of cyanide ion (CN⁻) hydrogen cyanide in water (HCNaq), and the cyano-complexes of zinc, copper, cadmium, mercury nickel and silver, determined by EPA method OIA-1677, or other method designated as a Standard Method or approved under 40 CFR 136.

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Best Management Practices (BMP) means programs, practices, procedures or other directed efforts initiated and implemented by the user which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but are not limited to the [DetroitGreat Lakes Water Authority](#) sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

Biochemical oxygen demand (BOD) means the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20 degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

Board means the Board of Water Commissioners of the [City of DetroitGreat Lakes Water Authority](#).

Bypass means the intentional diversion of a waste stream from any portion of an industrial user's treatment facility. [See 40 CFR 403.17.]

Centralized waste treatment (CWT) facility means any facility that treats any hazardous or non-hazardous industrial waste received from off-site by tanker truck, trailer roll-off bins, drums, barges, or any other forms of shipment including: (i) a facility that treats industrial waste received exclusively from off-site, and (ii) a facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

City means the City of Rochester Hills.

Compatible industrial wastewater means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

Compatible pollutant means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

Composite sample means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four aliquot per 24 hours shall be used where the sample is manually collected. [See 40 CFR 403, Appendix E.]

Confidential information means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

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Control authority means the ~~Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#) which has been officially designated as such by the State of Michigan under the provisions of 40 CFR 403.12.

Cooling water means the noncontact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

Days means consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this division.

Department means the ~~City of Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#), and authorized employees of the department.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

Director means the Director of the ~~Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#), or the director's designee.

Discharger means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

Domestic sewage means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

Environmental Protection Agency or administrator or EPA administrator means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

Facility means a location, which contributes causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

Fats, oils or grease (FOG) means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that is extractable by solvent in accordance with standard methods.

Flow proportional sample means a composite sample taken with regard to the flow rate of the waste stream.

Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

Gray water means all liquid contained in a grease interceptor that lies below the floating grease layer and above the solids layer.

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Grease means a liquid or solid material containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, composed primarily of fats, oils or grease from animal and vegetable sources.

Grease interceptor means a device located underground and outside of a food service facility designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the wastewater collection system.

Grease trap means a device located inside a food service facility designed to collect contain or remove food wastes and grease from the stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Indirect discharge or discharge means the discharge or the introduction of pollutants into the POTW from any nondomestic source regulated under 33 USC 1317(b), (c) or (d).

Industrial user means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

Industrial waste means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

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 operations, or its sludge processes, use or disposal; and (ii) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal 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, as amended, being 33 USC 1345; the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

May means permissive.

National Categorical Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 USC 1317 (b) and (c) which applies to a specific class or category of industrial users.

National Pollutant Discharge Elimination System (NPDES) permit means a permit issued pursuant to 33 USC 1342.

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New source means:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 USC 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that: (a) the building, structure, facility or installation is constructed at a site where no other source is located; or (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or
- (2) Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(b) or (1)(c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or
- (3) Construction of a new source has commenced where the owner or operator has: (a) begun, or caused to begin as part of a continuous on-site construction program: (1) any placement, assembly, or installation of facilities or equipment; or (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

Owner means the owner of record of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person in control of a building.

Pass-through means 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.

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Person means any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

pH means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

Pollution means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, State or local law, rules and regulations.

Pretreatment requirements means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user. [See 40 CFR 403.3(r)].

Pretreatment standards means all National Categorical Pretreatment Standards, the general prohibitions specified in 40 CFR 403.5(a), the specific prohibitions delineated in 40 CFR 403.5(b), and the local or specific limits developed pursuant to 40 CFR 403.5(c), including the discharge prohibitions specified in this article.

Public sewer means a sewer of any type controlled by a governmental entity.

Publicly owned treatment works (POTW) means a treatment works as defined by 33 USC 1292(2)(A) which is owned by a state or municipality, as defined in 33 USC 1362, including:

- (1) Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;
- (2) Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or
- (3) The municipality, as defined in 33 USC 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

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POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Representative sample means any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the waste stream being sampled. Representative samples shall be collected and analyzed in accordance with 40 CFR Part 136.

Sanitary wastewater means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

Shall means mandatory.

Significant noncompliance means any violation which meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;
- (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the department 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;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;
- (5) Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing

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construction, or attaining final compliance within 90 days after the scheduled date;

- (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days after the due date;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which the department determines will adversely affect the operation or implementation of the local pretreatment program.

Significant industrial users means any user of the POTW who:

- (1) Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or
- (2) Has discharges subject to the National Categorical Pretreatment Standards; or
- (3) Requires pretreatment to comply with the specific pollutant limitations of this division; or
- (4) Has in its discharge toxic pollutants as defined pursuant to 33 USC 1317, or other applicable federal and state laws or regulations, that are in concentrations and volumes which are subject to regulation under this division as determined by the department; or
- (5) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this state or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or
- (6) Is found by the ~~City of Detroit~~[Great Lakes Water Authority](#) or City of Rochester Hills to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

Slug means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

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

State means the State of Michigan.

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

Suspended solids (total) means the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

Total PCB means the sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.

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

Toxic pollutant means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 USC 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other federal or State laws, rules or regulations.

Trade secret means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the [Detroit Great Lakes Water Authority](#) wastewater treatment plant, or into the wastewater system tributary thereto.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this division or with National Categorical Pretreatment Standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed

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treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

User means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

Wastewater or waste stream means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, stormwater, and cooling water.

Wastewater discharge permits means permits issued by the department in accordance with this article.

Waters of the State means groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

Section 39. Section 102-515 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-515. – Abbreviations.

For purposes of this article, the following acronyms shall have the meanings designated by this section:

BMR	Baseline monitoring report
BOD	Biochemical Oxygen Demand
C.F.R.	Code of Federal Regulations
EPA	Environmental Protection Agency
FOG	Fats, Oil or Grease
l	Liter
MDEQEGLE	MI. Department of Environment Quality Michigan Department of Environment, Great Lakes and Energy
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works

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RCRA	Resource Conservation and Recover Act, being 42 USC 6901 et seq.
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, being 42 USC 6901 et seq.
TSS	Total Suspended Solids
U.S.C.	United States Code

Section 40. Section 102-516 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-516. – General pollutant prohibitions.

No user shall contribute or cause to be contributed to the publicly owned treatment works, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions apply to such users of the publicly owned treatment works, whether or not the user is subject to national categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. In addition, industrial users shall not contribute the following substances to the publicly owned treatment works:

- (1) Any liquid, solid, or gas which, because of its nature or quantity, is sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to persons, the publicly owned treatment works, or the operation of the publicly owned treatment works. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140°F or 60°C Using the test methods specified in 40 CFR 261.21.
- (2) Any solid or viscous substance, in concentrations or quantities which are sufficient to cause obstruction to the flow in a sewer or other encumbrance to the operation of the publicly owned treatment works, such as but not limited to grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling stones.
- (3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units.
- (4) Any wastewater containing petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity, either singly or by interaction with other pollutants, to cause interference or pass through or constitute a hazard to humans or animals.

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- (5) Any liquid, gas, or solid or form of energy which, either singly or by interaction with other wastes, is sufficient to create a toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any substance which is sufficient to cause the publicly owned treatment works' effluent or any other product of the publicly owned treatment works, such as residues, sludges, or scums, to be unsuitable for reclamation processing where the publicly owned treatment works is pursuing a reuse and reclamation program. In no case shall a substance discharged to the publicly owned treatment works cause the publicly owned treatment works to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under Section 405 of the Act, with criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the publicly owned treatment works to violate the consent judgment in U.S. Environmental Protection Agency v. City of Detroit, et al., C.A. No. 77-1100, or the [City of Detroit's Great Lakes Water Authority's](#) National Pollutant Discharge Elimination System permit.
- (8) Any discharge having a color uncharacteristic of the wastewater being discharged.
- (9) Any wastewater having a temperature which will inhibit biological activity in the publicly owned treatment works treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 140° Fahrenheit (60° Celsius) or which will cause the influent at the wastewater treatment plant to rise above 104° Fahrenheit (40° Celsius).
- (10) Any pollutant which constitutes a slug.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations.
- (12) Any floating fats, oil, or grease which are sufficient to cause interference with or pass through the publicly owned treatment works.
- (13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half-inch or greater which are sufficient to cause interference with the publicly owned treatment works.

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- (14) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Section 41. Section 102-518 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-518. – National categorical pretreatment standards.

- (a) *Generally.* All users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the act as set forth in 40 CFR Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, that where a more stringent standard or requirement is applicable pursuant to state law or regulation, or to this division, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 CFR part 403 and as established by the department. The National Categorical Pretreatment Standards which have been promulgated as of the effective date of this section are delineated in Appendix A [of this article].
- (1) *Intake water adjustment.* Industrial users seeking adjustment of National Categorical Pretreatment Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 CFR 403.15. Upon notification of approval by the department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.
- (2) *Modification of National Categorical Pretreatment Standards.* The department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of [Environmental Quality](#)~~Environment~~, [Great Lakes and Energy](#), whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 CFR 403.7.
- a. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted.
- b. Where such authorization is given to the department, any industrial user desiring to obtain such credit shall make an application to the department, consistent with the provisions of 40 CFR 403.7 and of this article.
- c. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 CFR 403.7, or as determined by the department.

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- d. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the board may establish and, when appropriate, revise from time to time.
 - e. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.
- (3) *New sources.* Industrial users who meet the new sources criteria shall install, maintain in operating condition, and "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed 90 days, new sources must meet all applicable pretreatment standards.
- (4) *Concentration and mass limits.* When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with 40 CFR 403.6(c)(3) and/or 40 CFR 403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 USC 1317(d) and of this article. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (5) *Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report.* Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the [DetroitGreat Lakes Water Authority](#) POTW shall submit to the department a report containing the information listed in 40 CFR 403.12(b)(1–7). Where reports containing this information have already been submitted to the director or regional administrator in compliance with the requirement of 40 CFR 128.140(b), the industrial user will not be required to resubmit this information. At least 90 days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the department a report which contains the information listed in 40 CFR 403.12(b)(1–5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 CFR 403.12(b),(4) and (5).

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- (b) *Dilution prohibited.* Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant specific limitation or requirement imposed by the City of Rochester Hills, the [City of Detroit](#)[Great Lakes Water Authority](#) or by the State of Michigan.
- (c) *Hauled in wastewater.* Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this division including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the department for unloading such waste in accordance with the board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in this article. The department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this division.
- (d) *Centralized waste treatment.* It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the department. Any authorization granted, or permit issued, by the department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the department to discharge wastewater is not required to obtain further authorization from the department before discharging such wastewater. An industrial user, that provides centralized waste treatment services and files an application for the treatment and discharge of such types of wastewater to the POTW, shall provide the following minimum information in support thereof:
- (1) The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to National Categorical Pretreatment Standards as delineated in Appendix A [of this article], shall be so designated;
 - (2) The identity of the toxic pollutants known or suspected to be present in the wastewater;
 - (3) At least one sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in paragraph (d)(1) of this subsection;

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- (4) A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);
- (5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the state, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the department; and
- (6) Other information requested by the department including, but not limited to, information required by Code, or by rules adopted by the board.

The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in this article, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in this article regarding permits. In furtherance of its obligations as control authority, the department may include in the permit a requirement to report at selected intervals the information mandated in paragraphs (1) through (6) of this subsection.

All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the department.

- (e) *Groundwater discharges.* Unless authorization has been granted by the department, the discharge of any groundwater into the POTW is prohibited.
 - (1) The department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within 180 days after its adoption.
 - (2) If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the department, the department may authorize the discharge of such wastewater. permits shall be issued in accordance with the procedures contained in this article, or in accordance with any rules adopted by the board.
- (f) *Right of revision.* The ~~City of Detroit~~[Great Lakes Water Authority](#) and the City of Rochester Hills reserve the right to establish rules or regulations adopted by the board, additional or more stringent limitations or requirements on discharges to the POTW. Ninety days after adoption by the board, industrial users shall comply with such rules and regulations.

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(g) *Accidental discharges.*

- (1) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division, and all significant industrial users shall submit to the department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense.
 - a. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within 60 days of the effective date of this article.
 - b. New significant industrial users shall submit such a plan prior to the time they commence discharging.
- (2) For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five percent or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than 55 gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass-through or cause interference with the POTW. The industrial user shall promptly notify the department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.
- (3) At least once every two years, the department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 CFR 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within 30 days of notification by the department.

(h) *Notification requirements.* Unless a different notice is provided by this article or applicable law, within one hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, state or city laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with paragraph (1) of this subsection, the industrial user shall telephone the department at its control center and notify the department of the discharge.

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a.(1) The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW.

b.(2) Within five calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

c.(3) When required by the department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences.

d.(4) Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

(i) *Notice to employees.* A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the department in the event of an actual or excessive or prohibited discharge.

Section 42. Section 102-525 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-525. – Wastewater discharge permits.

It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass-through, or otherwise not comply with the discharge prohibitions of this article. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the ~~Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#). Unless otherwise expressly authorized by the department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this article.

Section 43. Section 102-527 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-527. – Permit application.

(a) Application or reapplication. The department may require any user to complete a questionnaire and/or a permit application and to submit the same to the department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within 30 days of being so notified, a user shall comply with the department's request in the manner and form prescribed by the department. Failure of the department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this article.

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- (1) A user, which becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a wastewater discharge permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 CFR 403.12(b). The existing user shall provide a permit application which includes all the information specified in this article.
 - (2) A separate permit application shall be required for each separate facility.
 - (3) Existing permittees shall apply for permit reissuance a minimum of 90 days prior to the expiration of existing permits on a form prescribed by the department.
- (b) Required information. In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;
 - (2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;
 - (3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;
 - (4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in this article, those pollutants limited by National Categorical Pretreatment Standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the [Detroit Water and Sewerage Department](#)[Great Lakes Water Authority](#).
 - a. For each parameter, the expected or experienced maximum and average concentrations during a one year period shall be provided.
 - b. For industries subject to National Categorical Pretreatment Standards or requirements, the data requested herein shall be separately shown for each categorical process waste stream.
 - c. Combined waste streams proposed to be regulated by the combined waste stream formula shall also be identified.
 - d. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 USC 1314(g) and

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contained in 40 CFR Part 136, as amended. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

- (5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to National Categorical Pretreatment Standards or requirements, shall be so designated. As pertains to paragraph (b)(4) of this section, identify which pollutants are associated with each process;
- (6) Restricted to only those pollutants referred to in paragraph (b)(4) of this section, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in paragraph (b)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;
- (7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week;
- (8) The average and maximum 24-hour wastewater flow rates including, if any, daily, monthly and seasonal variations;
 - a. Each national categorical process waste stream flow rate and the cooling water, sanitary water and stormwater flow rates separately for each connection to the POTW; and
 - b. Each combined waste stream;
- (9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each National Categorical Process waste stream and which connections receive stormwater, sanitary water or cooling water; also show which lines handle each combined waste stream. This schematic shall be cross-referenced to the information furnished in paragraph (b)(8) of this section;
- (10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the National Categorical Pretreatment Standards or requirements only;
- (11) A statement regarding whether or not the requirements of this article and of the National Categorical Pretreatment Standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;

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- (12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of this article;
- (13) Proposed or actual hours of operation of each pretreatment system for each production process;(14)A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;
- (15) If other than [Detroit Water and Sewerage Department](#)[Great Lakes Water Authority](#) potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;
- (16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this division and the National Categorical Pretreatment Standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;
- (17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and
- (18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

Section 44. Section 102-531 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-531. – Permit contents.

Wastewater discharge permits shall contain all requirements of 40 CFR 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this article, other applicable laws, rules, regulations, and user charges and fees established by the [City of Detroit](#)[Great Lakes Water Authority](#) or City of Rochester Hills without repetition therein.

Section 45. Section 102-538 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-538. – Inspection, sampling and record-keeping.

- (a) *Right established.* For purposes of administering and enforcing this article, any other applicable provisions of this article or applicable state or federal laws and regulations, the department may inspect the establishment, facility or other premises of the industrial user. The department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

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- (b) *Inspection activity.* Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner.
- (1) Upon arrival at the industrial user's premises, the department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling.
 - (2) The department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.
 - (3) While performing work on private property, employees or authorized representatives of the department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user.
 - (4) Duly authorized employees or representatives of the department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user.
 - (5) Duly authorized department representatives shall not be restricted from viewing any of the facility site.
 - (6) Department employees or representatives may take photographs of facilities subject to this division. Which shall be maintained by the department as confidential in accordance with this article.
- (c) *Security measures.* Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the department will be permitted to enter for the purposes of performing their specific responsibilities.
- (d) *Sampling.* Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The department may require such samples to be split with the department for the department's independent analysis.
- (e) *Record-keeping.* Industrial users shall maintain records of all information from monitoring activities required by this article, or by 40 CFR 403.12(n). Industrial users shall maintain the records for no less than three years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the ~~City of Detroit's~~ [Great Lakes Water Authority](#) Industrial Waste Program, or when requested by the department, by the state, or by the EPA.

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- (f) *Accessibility of records.* Upon the request of the department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the department at all reasonable times, and allow the department to copy such records.
- (g) *Department sample results.* In the event the department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the department shall be controlling unless proven invalid.
- (h) *Discharge violation report.* In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the department, and then analyzed in accordance with 40 CFR Part 136, and found to contain concentrations of pollutants which are two or more times greater than the numeric limitations as listed in this article, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the department within 14 days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two times the limitation in the future.

Section 46. Section 102-548 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-548. – Public notification of significant noncompliance.

The department shall publish in the largest daily newspaper published in the [City of Detroit](#)[Great Lakes Water Authority](#) and the City of Rochester Hills a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least 30 days before publication and allowed an opportunity to comment as to its accuracy.

Section 47. Section 102-549 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-549. – Legal action for violations.

- (a) *Criminal action.* Any user, who violates any provision of this article, or any owner whose tenant violates any provision of this article, including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other

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document filed or required to be maintained pursuant to this division or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this article, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 for each violation per day, or by imprisonment for not more than 90 days, or by both. The city and the department is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this article.

- (b) *Civil action.* Whenever the city or the department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this article, the city or the director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and the owner from allowing the discharge, and/or to obtain appropriate relief to remedy the violations.
- (c) *Additional relief.* The city and the department may also seek additional legal and/or equitable relief. The commencement of suit neither constitutes an exclusive election of remedies nor prohibits the city, the department, director, board, or ~~City of Detroit~~[Great Lakes Water Authority](#) from commencing action in federal court for discharges believed to be in violation of this division, state and federal requirements contained in the Clean Water Act, the ~~City of Detroit~~[Great Lakes Water Authority's](#) NPDES permit, or other applicable laws or requirements.
- (d) *Cost recovery.* In addition, the city and the ~~City of Detroit~~[Great Lakes Water Authority](#) may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this division, or the orders, rules, regulations and permits issued hereunder.
- (e) *Payment of fines, etc.* All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the city and the ~~City of Detroit Water and Sewerage Department~~[Great Lakes Water Authority](#).

Section 48. Section 102-550 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-550. – Reconsideration and appeal to authority.

- (a) *Generally.* Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the department which result from its construction, application and enforcement of this division. The procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this article.
- (b) *Selection of reconsideration or appeal.* Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action,

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determination, or decision that is made by, or on behalf of, the department by the director, or an authorized representative, and that interprets, implements or enforces the provisions of this article.

- (1) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharge or other discharger, who is adversely affected (i) by a permit issued as final by the department, or (ii) by an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.
 - (2) Unless otherwise expressly provided for by this article, a request for reconsideration or appeal must be signed by an authorized representative, and received at the department's general offices within 20 days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.
 - (3) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the general offices of the department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the director, or the department's authorized representative, is final and any right to reconsideration appeal may be deemed waived.
- (c) *Reconsideration.* Within 15 days after receipt of a timely and proper request for reconsideration, the department shall notify the applicant of the time and place for a hearing.
- (1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the director and may be an employee of the department. The decision of the hearings officer shall be in the form of a recommendation to the director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with subsection (d) of this section.
 - (2) Where improperly or untimely submitted, the department may reject a request for reconsideration. The department shall notify the requester in writing that the request has been rejected.
 - (3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten days nor more than 30 days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

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- (4) The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the department or from the court reporter.
 - (5) Within 30 days after the close of the hearing, the hearing officer shall issue a final decision, which shall contain a recommendation to the director. The hearing officer shall send such decision to the requester by certified mail.
 - (6) Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this state, the filing of a request for reconsideration in accordance with this section shall stay the action by the department that is the subject of the hearing for reconsideration.
- (d) *Appeal.* Within 30 days after receipt of a timely and proper request for an appeal, the department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the ~~board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter~~[Great Lakes Water Authority Board of Directors](#). In addition:
- (1) Any request for an appeal must be made within 20 days of the department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this article.
 - (2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the director, or the department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.
 - (3) The department shall appoint a hearing officer. The hearing officer shall review the evidence, and within 15 days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the department.
 - (4) The written recommendation of the hearing officer shall be submitted to the board which shall render a final decision within 30 days of its next regularly scheduled meeting.
 - (5) In accordance with applicable law, the user or the department may appeal any final decision of the board to a court of competent jurisdiction.

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- (6) Unless such action is necessary to prevent pass-through, interference, or other harm to the POTW, to the public or to the waters of this state, the filing of a request for appeal in accordance with this section shall stay the action by the department that is the subject of the appeal.

No changes to Appendix A

No changes to Appendix B

No changes to Appendix C

Section 49. Section 102-701 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 102-701. – 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:

Authorized enforcement agency means the city engineer and his/her authorized representatives, which shall specifically include all inspectors and article enforcement, and any other individual designated by the Mayor of Rochester Hills to enforce this article. Where applicable the terms may also mean the director of the Michigan Department of ~~Environmental Quality~~[Environment, Great Lakes Water and Energy](#) or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Rochester Hills.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

County means the County of Oakland.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more requiring an issued permit and small construction activities impacting one to five acres of land

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deemed to operate under a national permit. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 102-729 of this article.

Illicit connections means either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial sactivity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101. et seq, that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm sewer system or storm drainage system means a publicly-owned facility by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Section 50. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 51. Repeal, Effective Date, Adoption.

(1) **Repeal.** All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

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(2) Effective Date. This ordinance shall become effective on December 21, 2020, following its publication in the *Oakland Press* on December 20, 2020.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on December 14, 2020.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON DECEMBER 14, 2020.

Tina Barton, Clerk
City of Rochester Hills

Accepted for First Reading: 12/7/2020
CW: 12/14/2020