

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL ASSISTANCE DIVISION

SEWERAGE SYSTEMS

(By authority conferred on the Department of Environmental Quality by section 4104 of Act No. 451 of the Public Acts of 1994, as amended, section 33 of Act No. 306 of the Public Acts of 1969, as amended, and Executive Reorganization Order Nos. 1973-2 and 1973-2a, being SS324.4104, 24.233, and 299.111 of the Michigan Compiled Laws, respectively)

PART 1. GENERAL PROVISIONS

R 299.2901 Purpose.

Rule 1. These rules are promulgated for the purpose of implementing the provisions of the act.

History: 1979 AC.

R 299.2903 Definitions.

Rule 3. As used in these rules:

- (a) "Act" means 1994 PA 451, MCL 324.101 et seq.
- (b) "Board" means the board of certification authorized by R 299.2916.
- (c) "Certificate" means a document that is issued by the department to a person who meets specific qualification requirements specified in these rules, qualifying the person as a certified operator.
- (d) "Department" means the director of the Department of Environmental Quality or his or her designee.
- (e) "Division" means the appropriate division of the department as delegated by the director.
- (f) "Governmental agency" means a city, village, township, county, metropolitan district, other unit of government, or officers of the entities specified in this subdivision.
- (g) "Operator" means an individual who works in a treatment facility and who has some responsibility for the operation of the facility.
- (h) "Person" means an individual, partnership, association, corporation, or any governmental agency.
- (i) "Renewal cycle" means the period of time from the issuance date to the expiration date stated on a certificate or a replacement certificate.
- (j) "Replacement certificate" means a certificate issued to an individual who holds a valid certificate issued before the effective date of these amendatory rules.
- (k) "Sewerage system" means a sewer system and treatment facility that are used to collect, transport, and treat domestic and industrial wastes.
- (l) "Sewer system" means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of collecting, conveying, or transporting domestic and industrial wastes to a treatment facility.
- (m) "Superintendent" means an individual who is in charge of and responsible for the operation of a treatment facility and in whom is vested the authority and responsibility for the establishment and execution of specific practices and procedures controlling the operations of the treatment facility in accordance with the policies of the owner of the facility and the department.
- (n) "Treatment facility" means structures, equipment, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of treating or otherwise handling domestic and industrial wastes.
- (o) "Treatment works" means a treatment facility.

History: 1979 AC; 1999 AACS; 2003 AACS.

R 299.2905 Rescission.

Rule 5. The following rules are rescinded:

(a) R 325.461

(b) R 325.1121 to R 325.1128

History: 1979 AC; 2003 AACS.

## PART 2. TREATMENT FACILITY CLASSIFICATION AND OPERATOR CERTIFICATION

R 299.2911 Initial treatment facility classification.

Rule 11. (1) Except as provided for in subrules (3) and (4) of this rule, treatment facilities shall be classified by the department into 4 classes, designated as Class A, B, C, or D, with Class A being the highest. The classifications shall be based on population served, the type of treatment facility, the character and volume of wastes to be treated, and the use and nature of the waters of the state receiving the effluent thereof. Treatment facilities classified according to the population criteria in subrule (2) of this rule may be placed in a higher classification by the department, by reason of the incorporation in the treatment facility of special features of design, or characteristics more difficult to operate than usual, or by reasons of a particularly difficult type of sewage or by reason of particular stream conditions or combinations thereof.

(2) One of the following minimum classifications shall be assigned to each treatment facility that serves the public:

(a) Class A, treatment facilities serving or designed to serve a population of 50,000 or more persons.

(b) Class B, treatment facilities serving or designed to serve a population of 10,000 or more, but less than 50,000, persons.

(c) Class C, treatment facilities serving or designed to serve a population of 2,000 or more, but less than 10,000, persons.

(d) Class D, treatment facilities serving or designed to serve a population of less than 2,000 persons.

(3) Treatment facilities utilizing the waste stabilization lagoon process shall be classified by the department into one of the 2 following classes, designated as class L2 and L1:

(a) Class L2, treatment facilities utilizing the waste stabilization lagoon process which include special mechanical devices such as aerators, chemical precipitation, disinfection, or other factors. Class L2 shall be considered a higher classification than class L1.

(b) Class L1, treatment facilities utilizing the waste stabilization lagoon process which do not include special mechanical devices such as aerators, chemical precipitation, disinfection, or other factors.

(4) Treatment facilities that require minimal operation and control, and serve a population of less than 1000 persons may be classified by the department as a special classification, designated as class SC. Such treatment facilities include, but are not limited to, septic tank and tile field systems, and recirculating sand filters.

History: 1979 AC; 2003 AACS.

R 299.2912. Treatment facility classification changes.

Rule 12. (1) When 1 or more of the conditions described by subrule (2) of this rule exist or are imminent, the department may change the classification of a treatment facility after notice and opportunity for hearing on the proposed action not less than 60 days before the classification change. Hearings conducted by the department pursuant to this subrule shall be undertaken according to hearing procedures prescribed by part 5.

(2) The department may change the classification of a treatment facility upon finding that any of the following or any combination has occurred or is expected to occur within 60 days:

(a) The population being served by the treatment facility has changed.

(b) There has been incorporated within the treatment facility special features of design or characteristics which render the treatment facility more difficult to operate.

(c) Certain wastes are being treated within the treatment facility that require special treatment facility design or operation procedures.

(d) Conditions of flow or use of the receiving waters require an unusually high degree of treatment facility operational control.

History: 1979 AC; 2003 AACS.

R 299.2916. Board of certification; appointments.

Rule 16. The department shall appoint a board of certification which shall consist of 5 members, of whom 1 shall be a class A certified operator, 1 shall be a qualified engineer registered in the state knowledgeable in the operation and maintenance of treatment works, 1 shall be a staff member of the department, 1 shall be a municipal official, and 1 shall be a member at large. As the term of a member of the board of certification expires, the department shall appoint a member to the vacancy for a 3-year term. The department may appoint a member to a shorter term when filling a vacancy created when a member vacates the position before the end of the term.

History: 1979 AC; 2003 AACS.

R 299.2917 Board of certification; duties and responsibilities.

Rule 17. (1) The board shall advise the department in the examination of persons applying for certification, as set forth in R 299.2918(1). The board shall meet at least twice each year at such times and places as it may designate. The board shall do all of the following:

(a) Advise the department when it considers additional education or experience as adequate substitution for other requirements, as set forth in R 299.2918(2).

(b) Advise the department in evaluating applications for examinations, as set forth in R 299.2920(2).

(c) Review and provide comment to the department on the substance of the examinations, as set forth in R 299.2922(1).

(d) Provide recommendations to the department on the issuance or denial of certificates following the examination process, as set forth in R 299.2924(1).

(e) Provide recommendations to the department on the issuance or denial of a certificate or a temporary certificate following the evaluation of certification received from another state, territory, or possession of the

United States, or any country as set forth in R 299.2924(2) and (3).

(f) Evaluate and approve or disapprove continuing education training courses, decide their hour value, and categorize them, as set forth in R 299.2925(5).

(g) Comment to the department regarding probation of a certified operator or the suspension or revocation of a person's certificate, as set forth in R 299.2926.

(2) Members of the board shall not be compensated, but shall be entitled to all actual and necessary expenses in the performance of their official duties according to the rates established by the latest edition of the standard travel regulations of the state.

(3) Three members of the board constitute a quorum.

History: 1979 AC; 2003 AACS.

R 299.2918 Operator certification; minimum requirements.

Rule 18. (1) Certification shall require written examination conducted by the department, with the advice of the board, according to 1 or more of the following classifications based upon minimum education and experience qualifications:

(a) Class A. To be eligible to write the examination for a Class A certificate, the applicant shall satisfy all of the requirements in either paragraph (i) or (ii) of this subdivision, as follows:

(i) The applicant shall comply with all of the following requirements:

- (a) Possess a college degree with sufficient engineering or allied subjects to understand the mechanics, electronics, and hydraulics of a complex treatment facility.
  - (b) Possess a Class B certificate.
  - (c) Have 4 years of acceptable experience in the operation of a Class B or higher treatment facility, 2 years of which shall have been in a supervisory position or a position of major operational responsibility.
  - (ii) The applicant shall comply with all of the following requirements:
    - (a) Have completed 2 years of a standard college curriculum in engineering or allied field with sufficient subjects to understand the mechanics, electronics, and hydraulics of a complex treatment facility.
    - (b) Possess a Class B certificate.
    - (c) Have 6 years of acceptable experience in the operation of a Class B or higher treatment facility, 2 years of which shall have been in a supervisory position or a position of major operational responsibility.
  - (b) Class B. To be eligible to write the examination for a Class B certificate, the applicant shall comply with all of the following requirements:
    - (i) Have completed 1 year of college or its equivalent with sufficient subjects to aid in the understanding of the mechanics, electronics, and hydraulics of a treatment facility.
    - (ii) Possess a Class C certificate.
    - (iii) Have 4 years of acceptable experience in the operation of a treatment facility of Class C or higher, 2 years of which shall have been in a supervisory position or a position of major operational responsibility.
  - (c) Class C. To be eligible to write the examination for a Class C certificate, the applicant shall comply with all of the following requirements:
    - (i) Have completed high school or its equivalent.
    - (ii) Possess a Class D certificate.
    - (iii) Have 2 years of acceptable experience in the operation of a Class D or higher treatment facility.
  - (d) Class D. To be eligible to write the examination for a Class D certificate, the applicant shall comply with both of the following requirements:
    - (i) Have completed high school or its equivalent.
    - (ii) Have 1 year of acceptable experience in the operation of a Class D or higher treatment facility.
  - (e) Class L2. To be eligible to write the examination for a Class L2 certificate, the applicant shall comply with both of the following requirements:
    - (i) Have completed high school or its equivalent.
    - (ii) Have 1 year of acceptable experience in the operation of a Class L2 lagoon system.
  - (f) Class L1. To be eligible to write the examination for a Class L1 certificate, the applicant shall comply with both of the following requirements:
    - (i) Have completed high school or its equivalent.
    - (ii) Have completed 1 year of acceptable experience in the operation of a Class L1 or Class L2 lagoon system.
  - (g) Class SC. To be eligible to write the examination for a Class SC certificate, the applicant shall comply with both of the following requirements:
    - (i) Have completed high school or its equivalent.
    - (ii) Have completed 1 year of acceptable experience in the operation of a Class SC type facility.
- (2) Additional education or experience of an applicant may be substituted by the department, with the advice of the board, for meeting the minimum qualifications prescribed in subrule (1) of this rule.

History: 1979 AC; 2003 AACCS.

R 299.2920 Application for Examination.

Rule 20. (1) The department shall schedule at least 1 examination per year. The department shall make public the dates for examinations not less than 90 days before the dates set for the examinations.

(2) An individual desiring to be certified as in charge of and responsible for the operation of a treatment facility shall file with the department, not less than 45 days before an examination date

announced by the department, an application for examination and certification on a form prepared and provided by the department. The information contained on the application shall be evaluated by the department and the information shall constitute a part of the examination.

(3) The department shall notify the applicants of their acceptance for examination and the time and place of the examination not less than 15 days before the date of examination.

History: 1979 AC; 2003 AACS.

R 299.2922 Examination procedures.

Rule 22. (1) Examinations for operator certification shall be prepared by the department, taking into account board review and comment. The examinations shall include, but not be limited to, the following 3 parts:

(a) An evaluation of the educational qualifications of the applicant.  
(b) An evaluation of the experience qualifications of the applicant.  
(c) A written examination on the general subject of treatment facility operation in any or all of its phases.

(2) An applicant shall not be admitted to the written examination unless he or she meets the minimum requirements prescribed in R 299.2918.

(3) Separate examinations for each class shall be prepared by the department to encompass basic differences in the duties and responsibilities of operators, types of treatment facilities, variations in wastewater quality, conditions of receiving waters, and such other factors as the department determines.

History: 1979 AC; 2003 AACS.

R 299.2923 Examinations; grading; notification; repeating exam.

Rule 23. (1) The minimum passing grade for the written examination is 70%.

(2) The department or others designated by it shall grade each examination.

(3) The results of each applicant's examination shall be mailed to that applicant by the department within 60 days after the date of the written examination.

(4) Applicants who fail to pass a written examination may repeat the examination at any subsequent, regularly scheduled examination by submitting an application as prescribed by R 299.2920.

History: 1979 AC; 2003 AACS.

R 299.2924 Operator certificates; issuance.

Rule 24. (1) Following examination, the department shall issue or deny a certificate for each applicant, taking into account the recommendation of the board. Each certificate shall indicate the class of treatment facility or facilities for which the certified operator is entitled to assume responsible charge.

(2) An operator in another state, a territory or possession of the United States, or another country who holds an operator certificate may apply for reciprocity in obtaining a certificate under this part. When an application for reciprocity is received, the department may do either of the following:

(a) Issue a certificate in a comparable classification without examination, if the requirements for certification of operators under which the certificate was issued are comparable to the requirements prescribed by this part.

(b) Issue a temporary certificate in a comparable classification without examination which shall expire at such time as the individual has an opportunity to obtain the results from taking the next available equivalent Michigan certification examination, but shall not be for more than 18 months. If the individual fails the equivalent Michigan certification exam, he or she is not eligible for any additional temporary certification.

(3) A certificate, other than a replacement or temporary certificate, shall be issued for a period of not less than 36, nor more than 39, months. A certificate that is not renewed shall expire.

History: 1979 AC; 2003 AACS.

R 299.2925 Replacement certificates; renewal requirements; expiration; reinstatement.

Rule 25. (1) All certificates issued before the effective date of these amendatory rules expire 1 year after the effective date of these amendatory rules.

(2) An individual who has been issued a certificate before the effective date of these amendatory rules pursuant to the provisions of section 4104 of the act; and who submits to the department, within 10 months after the effective date of these amendatory rules, a completed application on a form provided by the department, shall be issued a replacement certificate at his or her current classification by the department. A replacement certificate may be issued for a term of not less than 3, nor more than 4 ½, years.

(3) To renew a certificate, a certified operator shall submit to the department an application for renewal on a form provided by the department.

(4) A certified operator shall be responsible for making application to renew a certificate regardless of lack of notification by the department.

(5) The board shall evaluate and either approve or disapprove continuing education training and determine the continuing education training hour value. All continuing education training approved by the board shall relate to the duties, responsibilities, operation, maintenance, or supervision of a sewerage system. The board shall categorize all continuing education training as technical, managerial, or other.

(6) To renew an A or B certificate, the certified operator shall have completed, during the renewal cycle, not less than 24 hours of board-approved continuing education training. Not less than 6 hours of the training shall be technical training and not less than 6 hours of the training shall be managerial training.

(7) To renew a Class C, D, L2, or L1 certificate, the certified operator shall have completed, during the renewal cycle, not less than 12 hours of board-approved continuing education training. For Class C certification renewal, no more than 6 hours of training in the non-managerial, non-technical category may be used to meet the continuing education requirement.

(8) Individuals holding more than 1 certification need only meet the higher continuing education training requirement of the certifications held.

(9) Types of continuing education training programs that may be approved include, but are not limited to, the following:

(a) Programs sponsored by any of the following entities:

(i) Governmental agencies.

(ii) Professional and trade organizations.

(b) Home study courses and correspondence courses that have independent verification of successful completion.

(c) Technical courses conducted by private contractors.

(d) University, college, and community college courses.

(e) Training programs sponsored by the department and the U.S. Environmental Protection Agency.

(f) Training sponsored by nationally recognized organizations.

(10) The department shall issue renewal certificates to certified operators who verify to the department that they have successfully complied with the continuing education training requirements.

(11) A certified operator shall keep his or her own record of approved continuing education training and present proof of the training upon application for renewal and at any time subsequent to being issued a certificate.

(12) A certified operator who is not eligible for renewal pursuant to the provisions of this rule may apply for examination pursuant to the provisions of R 299.2920.

(13) A Class A or B certified operator who has not met the continuing education training requirements of subrule (6) of this rule may request issuance of a Class C or D certificate for which the requirements have been met.

(14) A certified operator whose certificate has expired may apply for examination at the level equal to or less than the level of the valid certificate previously held pursuant to the provisions of R 299.2920.

(15) The department may reinstate an expired certificate within 1 year from the expiration date of the certificate when an individual has completed the necessary continuing education training requirements as prorated from the certificate's expiration date.

History: 2003 AACS.

R 299.2925a Restricted certificates for existing operators.

Rule 25a. (1) The owner of a treatment facility reclassified as a result of these rules shall notify the department of all certified operators currently employed by the owner. Such notification shall be made within 90 days after notification by the department that the system has been reclassified or within 2 years from the effective date of these rules.

(a) To the operator or operators identified in subrule (1) of this rule as holding a Class L certificate, the department shall issue a Class L1 replacement certificate.

(b) To the operator or operators identified in subrule (1) of this rule as holding certificates other than a Class L certificate, the department shall issue site specific, restricted certification.

History: 2003 AACS.

R 299.2926 Operator certificates; probation; revocation; suspension.

Rule 26. (1) Following a review and comment by the board, the department may place on probation, suspend, or revoke the certificate of a certified operator who is adjudged incompetent or unable to properly perform the duties of certified operator in his or her classification, or who has practiced fraud or falsification, or who has been negligent in the discharge of his or her duties or responsibilities. Notice of suspension or revocation shall be provided, by the department, in writing to the certified operator and the owner of the treatment facility.

(2) The department shall not accept an application for examination during the time period of suspension for a certified operator whose certificate has been suspended.

(3) The department may renew a suspended certificate if the applicant meets all renewal requirements. The renewal shall not affect the terms of suspension.

(4) The department shall not accept an application for examination from an individual who has had a certificate revoked, for a period of 5 years from the effective date of the revocation of the certificate. After 5 years, the department may accept an application submitted by an individual who has had a certificate revoked to write an examination at the level previously held.

History: 1979 AC; 2003 AACS.

R 299.2927 Appeals.

Rule 27. (1) A person who is aggrieved by any action under these rules, or who wishes to appeal any other action with respect to his or her certification, shall have an opportunity for a hearing before the department.

(2) A hearing conducted under this rule shall be conducted in accordance with R 299.2971 to R 299.2974.

History: 1979 AC; 1999 AACS; 2003 AACS.

### PART 3. SEWERAGE SYSTEM PLANS AND SPECIFICATIONS

R 299.2931 Definitions.

Rule 31. As used in this part:

(a) "Alteration" means the construction of any modification or addition to an existing sewerage system which changes the process or system capacity.

(b) "Construction" means erection or installation of sewer systems or treatment facilities, including equipment and appurtenances, in accordance with approved plans and specifications.

(c) "Permit" means a construction permit issued by the director of the department for a sewer system or treatment facility pursuant to section 6 of the act and these rules.

History: 1979 AC.

R 299.2933 Submittal of plans and specifications.

Rule 33. (1) Before the construction or alteration of a sewerage system or portions thereof, plans and specifications therefor shall be submitted to the department for review and issuance of a construction permit.

(2) The plans and specifications shall be submitted by the owner of the sewer system or treatment facility or alteration thereof or by his designated agent. When a person files plans and specifications as an agent of an owner, the owner shall furnish the agent with a letter of authorization for filing the plans and specifications, and the letter shall identify the plans or project and shall be submitted with the plans and specifications.

(3) Plans and specifications submitted to the department pursuant to subrule (1) shall not be considered adequate unless prepared by a professional engineer registered in the state, and the plans and specifications shall be properly sealed by the engineer as required by law.

(4) When the owner of the proposed sewerage system is not a governmental agency, the application for a permit shall include a resolution from the local governmental agency having jurisdiction, stating that the governmental agency shall assume responsibility for the effective and continued operation and maintenance of the proposed sewerage system if the owner in any way fails to perform in this capacity. A copy of contractual or other arrangements between the owner and the governmental agency, which provide for the continuity of service agreement, shall also be submitted.

History: 1979 AC.

R 299.2935 Engineering reports; basis of design; minimum requirements.

Rule 35. (1) Before submission of plans and specifications, an engineering report or basis of design, or both, shall be submitted to the department for review and approval.

(2) An engineering report shall be required for all proposed projects dealing with construction of treatment facilities and major sewer systems. The engineer, when preparing the report, shall consider the material set forth under section 11, engineering report, of the recommended standards for sewage works, wherever applicable to the facility for which the report is being prepared.

(3) A basis of design shall be required for all proposed projects and may be included in the engineering report. Basis of design forms for treatment facilities and pump stations are available from the division office. The basis of design for sewer systems shall include, depending on applicability to the sewer system for which the basis of design is being prepared, but not necessarily be limited to, the following:

(a) A general map of the service area showing the location of the existing and proposed sewer system.

(b) The service area in acres.

(c) The present and future population densities per acre and total population.

(d) The present and future per capita sewage contribution; average and maximum.

(e) A description of commercial and industrial waste contributions.

(f) The present and design flow rates, average and maximum.

(g) The size of pipe, grade, and, where appropriate, the size of pump station, number and capacity of pumps, size and length of force main, and point of discharge.

(h) An analysis of the effect of the proposed additional flows on the existing sewerage system.

(i) A detailed explanation of steps to be taken in case of power failure or equipment breakdown, including a description of special reserve units available for emergency treatment, storage, or transportation of the wastewater.



(j) An analysis and determination as to the applicability of sections 2 and 5 of Act No. 245 of the Public Acts of 1929, as amended, being SS323.2 and 323.5 of the Michigan Compiled Laws, and Part 13 of the General Rules of the water resources commission, being R 323.1311 to R 323.1329 of the Michigan Administrative Code.

History: 1979 AC.

R 299.2936 Plans and specifications; minimum requirements.

Rule 36. Information contained within the plans and specifications submitted to the department for review and approval pursuant to R 299.2933 shall include, but not necessarily be limited to, the material recommended in section 12, plans, and section 13, specifications, of the recommended standards for sewage works.

History: 1979 AC.

R 299.2938 Plans and specifications; review by department.

Rule 38. (1) Upon receipt of plans and specifications for the construction or alteration of a sewerage system or portion thereof, the department shall review them as soon as practicable to determine their completeness with regard to the minimum requirements specified in R 299.2936 and their acceptability with regard to accepted design standards for wastewater facilities in this state. In making its review, the department shall consider design criteria as set forth in recommended standards for sewage works and shall be assured that the sewerage system or portion thereof is so designed so as to protect the public health and prevent unlawful pollution.

(2) If the department determines that plans and specifications are incomplete or are inadequate, it shall notify the owner or his authorized agent of the proposed sewerage system or portion thereof, and may request the resubmittal thereof with appropriate corrections or additions. The director shall not grant an approval of plans and specifications until they are complete and are judged to be adequate by the department.

History: 1979 AC.

R 299.2939 Approval of plans and specifications; permits.

Rule 39. (1) Upon the determination by the department that the plans and specifications for a sewerage system or portion thereof are complete and satisfactory, the director shall approve them and shall issue a permit for construction.

(2) A permit issued pursuant to the act and these rules expires unless construction commences within 2 years from the date of issuance. An owner of a wastewater facility may apply for reissuance of a permit in accordance with R 299.2933.

History: 1979 AC.

R 299.2941 Permits; conditions for issuance.

Rule 41. A permit for the construction of a sewerage system or portions thereof shall be issued by the director of the department only when both of the following conditions are met:

(a) Proper devices are or will be available and are in satisfactory operation for the collection, transportation, and treatment, before discharge into any public watercourse, lake, drain, ditch, or groundwater, of the sewage or wastes collected or conveyed by such systems; or a definite program or agreement satisfactory to the department leading to the construction and operation of such collection, transportation, or treatment devices shall have been officially adopted by the applicant for such permit and filed in the offices of the department.

(b) Where the plans and specifications for the work for which a construction permit is requested have been properly prepared in accordance with the laws of the state, and have been submitted to the

director for his examination and approval, and which have been found to be in accordance with good modern practices, and, if built according to the plans and specifications, are of such nature and design as to protect the public health and prevent unlawful pollution.

History: 1979 AC.

R 299.2942 Revisions to approved plans.

Rule 42. The director shall approve any deviations from approved plans or specifications affecting capacity, flow, or operation of units before construction of the changes. Plans and specifications so revised should be submitted, well in advance of any construction work which will be affected by the changes, to permit sufficient time for review and approval. Structural revisions of minor changes not affecting capacities, flows, or operation are permitted during construction without approval. "As built" plans clearly showing the work as constructed shall be submitted to the department at the completion of the work.

History: 1979 AC.

R 299.2943 Operation during construction.

Rule 43. Wherever possible bypassing of untreated wastewater or reduction in treatment effectiveness shall be avoided during the construction of sewer system or treatment facility alterations. Prior to commencing construction of the alterations, a program for completing the work in a manner which will minimize pollutional effects on the receiving water shall be submitted to the department for review and approval.

History: 1979 AC.

R 299.2945 Availability of documents.

Rule 45. Recommended standards for sewage works, prepared by the Great Lakes-upper Mississippi river board of state sanitary engineers may be inspected at the office of the division during normal working hours, and may be obtained from the Health Education Service, Post Office Box 7283, Albany, New York 12224, at a cost of \$1.00.

History: 1979 AC.

#### PART 4. OPERATION AND MAINTENANCE OF SEWERAGE SYSTEMS

R 299.2951 Purpose.

Rule 51. This part prescribes procedures and requirements for the operation and maintenance of sewerage systems to ensure continuous protection of the public health, safety, and welfare, the water resources of the state, and the fish, wildlife, and plant life associated therewith.

History: 1979 AC.

R 299.2952 Operator in charge.

Rule 52. (1) An owner of a treatment facility shall designate a superintendent, who shall be a properly certified operator, to be in responsible charge of the day-to-day operation and maintenance of each treatment facility, and shall notify the division in writing of the designation, including the address and telephone number thereof. The superintendent shall hold a certificate equivalent to or higher than the classification of the treatment facility. The owner of the treatment

facility may replace the superintendent with another properly certified operator at any time, and shall notify the department in writing within 10 days after the replacement.

(2) During construction of a new treatment facility and before placing the facility in operation, the owner shall employ a properly certified operator who shall be in charge when the facility is completed and placed in operation. This individual shall become fully familiar with all facilities and equipment, and shall train selected subordinate employees as appropriate both before and following facility start-up.

History: 1979 AC.

R 299.2953 Monthly operational reports.

Rule 53. The superintendent of a treatment facility shall file with the department each month or at such other intervals as the department may designate, on forms prescribed by the department, operating reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into the waters of the state. When the superintendent is not available to file the report, the owner of the treatment facility may appoint a substitute acceptable to the department to file the report.

History: 1979 AC.

R 299.2955 Sewerage system operation and maintenance; general requirements.

Rule 55. (1) Sewerage systems shall be operated and maintained at all times as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants.

(2) The owner of the sewerage system shall provide an adequate operating staff which is qualified to carry out the operation, maintenance, and laboratory testing functions required to insure compliance with the conditions of subrule (1).

(3) Wherever possible, maintenance of sewerage systems shall not result in degradation of effluent quality. If degradation of effluent is unavoidable, maintenance shall be programmed and scheduled during noncritical water quality periods and shall be carried out in a manner approved by the department.

(4) All reasonable measures, including, where appropriate, the provision of shutoff valves adjacent to storage tanks, catchment areas, relief vessels, or entrapment dikes, shall be taken for containment of any accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials.

History: 1979 AC.

R 299.2956 As-built plans and specifications.

Rule 56. The owner of the sewerage system shall obtain and maintain reproducible as-built plans and specifications which accurately describe the entire sewerage system in its current condition.

History: 1979 AC.

R 299.2957 Operation and maintenance manual.

Rule 57. (1) The owner of a treatment facility shall prepare, or cause to be prepared, an operation and maintenance manual for the treatment facility which shall be used by the operator of the facility as a guide for facility operation and maintenance. The manual shall describe the function, start-up, shutdown, and periodic maintenance procedures for each unit process and item of mechanical and electrical equipment. The appropriate responses or facility adjustments to minimize the impact of emergency situations shall be described so as to facilitate rapid implementation of a correct response during emergencies. A copy of the operation and maintenance manual shall be submitted to the department for its review, approval, and filing 60 days before the date of operation.

(2) If the department determines that an operation and maintenance manual is incomplete or inadequate, it may return the manual to the owner of the treatment facility with its findings and recommendations and request modification thereof. The owner of the treatment facility shall modify and resubmit the manual to the department.

History: 1979 AC.

R 299.2959 Emergency measures, reports to department.

Rule 59. (1) If a breakdown of a sewerage system or system component or any emergency situation results in the diversion from or bypass of facilities necessary for the effective collection, transportation, or treatment of the wastes and in the discharge of pollutants in excess of those authorized by a discharge permit issued by the department under the act, then the system owner shall take all necessary measures to correct the breakdown or emergency and eliminate or reduce the discharge of excessive pollutants.

(2) The owner of a sewerage system that discharges, or permits to be discharged, excessive pollutant to the waters of the state as a result of a facility breakdown or emergency shall notify the division promptly. The owner shall supplement the notice by a written report filed with the division within 72 hours outlining the cause, its discovery, and the corrective actions taken to minimize adverse impact to the waters of the state, restore facilities to operative condition, and eliminate the need for future diversion or bypass. This rule does not supersede, rescind, or otherwise alter any other existing or future procedure, rule, or statute pertaining to pollution of the waters

History: 1979 AC; 1999 AACS.

R 299.2960 Enforcement.

Rule 60. A person who violates this part is subject to the procedures and penalties prescribed by the act or any other applicable law or rules of this state.

History: 1979 AC.

## PART 5. HEARINGS

R 299.2971 Opportunity for hearings.

Rule 71. (1) A person who is aggrieved by an action undertaken under the act or these rules may file a sworn petition with the department setting forth the grounds and reasons for his or her complaint or appeal and asking for a hearing before the department. The department shall then fix the time and place for the hearing and notify the petitioner of the time and place by certified mail. At the hearing, the petitioner and any other interested party may appear, present witnesses, and submit evidence. Following the hearing, the final decision or disposition of the case by the department is conclusive unless reviewed in accordance with and subject to Act No. 306 or the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, in the circuit court for the county of Ingham or for the county in which the person resides.

(2) An appearance at a hearing shall be either in person, by a duly authorized agent, or by counsel.

History: 1979 AC; 1999 AACS.

R 299.2972 Hearing commissioner.

Rule 72. (1) The part of a hearing in a contested case in which testimony and evidence are to be taken may be referred to a hearing commissioner. The hearing commissioner shall be designated and authorized by the department to preside at the hearing.

(2) The hearing commissioner shall hear the evidence and prepare a record of the proceedings and a proposal for a decision, including findings of fact

and conclusions of law. The hearing commissioner shall file the record of the proceedings and proposal for decision at the department offices as early as possible after completion of the hearing. The hearing commissioner shall transmit a copy of the proposal for decision to the department and shall serve a copy, by certified mail, on all other parties to the proceedings.

History: 1979 AC; 1999 AACCS.

R 299.2973 Department files and records; use in connection with hearings.

Rule 73. The department shall make its files and records that are applicable to hearings conducted under these rules, except the materials exempted by section 22 of Act No. 306 of the Public Acts of 1969, as amended, being §24.222 of the Michigan Compiled Laws, available for inspection before or at the hearings held by the department or hearing commissioner. The department's files and records may be offered at a hearing as evidence on behalf of the department.

History: 1979 AC; 1999 AACCS.

R 299.2974 Department hearings.

Rule 74. (1) The department shall provide an opportunity for either party to a contested case to submit arguments, exceptions, or appeals to the department regarding a hearing commissioner's report and proposal for decision. A party shall file arguments, exceptions, and appeals in writing and in a timely manner. To be considered by the department, written briefs or exceptions shall be received at the office of the department in Lansing not later than 2 weeks before the date set by the department for consideration of the hearing commissioner's report. The department may provide an opportunity for a party to present oral argument to the department. The department shall notify all parties if the department decides to permit oral argument.

(2) The department shall prepare and serve a certified copy of a final decision adopted in a contested case by the department. The department shall serve the copy by certified mail on the contesting parties or their attorneys. The copy of a final decision shall contain a resume of the facts and the grounds for decision.

History: 1979 AC; 1999 AACCS.