

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

LAKELAND PROPERTY OWNERS ASSOCIATION,
a Michigan unincorporated voluntary
association, and TOWNSHIP OF HAMBURG,
a Michigan body corporate, jointly
and severally,

Plaintiffs,

AND

PORTAGE AND BASE LAKE ASSOCIATION,
INC., a Michigan non-profit corporation,

Civil Action

No. 1453

Intervening Plaintiff,

vs.

TOWNSHIP OF NORTHFIELD, a Michigan
body corporate,

Defendant,

AND

TOWNSHIP OF GREEN OAK, a Michigan
body corporate,

Intervening Defendant.

FILED

MAY 4 1972

COUNTY CLERK
Howell, Mich

ORDER

At a session of said Court held
in the Courthouse in Howell, Michi-
gan, this 4 day of MAY,
1972.

PRESENT: THE HONORABLE PAUL R. MAHINSKE
Circuit Judge

This non-jury cause having been tried, argued, briefed and
submitted in July of 1971, the Court being fully advised in the
premises, and pursuant to the Opinion filed herein on February
29, 1972, containing certain findings of fact and conclusions
of law; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

I. That the standards contained in paragraph 1 of the Amended Final Order of Determination, No. 1478, dated March 18, 1971, of the State of Michigan Water Resources Commission are deficient and said Water Resources Commission is hereby directed to substitute therefor the following redetermined and additional standards:

1. Treat or control the sewage and wastes collected by its system of sewers and drains to the extent that when discharged from its waste water treatment plant to the Horseshoe Drain or any other water course they shall:
 - a. Contain not more than four (4.0) milligrams per liter of oxygen consuming substances as measured by the five-day biochemical oxygen demand (BOD) test.
 - b. Contain not more than ten (10.0) milligrams per liter of suspended solids.
 - c. Contain not more than five tenths (0.5) milligram per liter of ammonia nitrogen as $\text{NH}_3\text{-N}$.
 - d. Contain not more than one thousand (1,000) total coliform per one hundred (100) milliliters and the average of any series of ten consecutive samples shall not exceed one thousand (1,000) coliform per one hundred (100) milliliters. The average fecal coliform density for the same ten consecutive samples shall not exceed one hundred (100).
 - e. Contain not more than twenty percent (20%) of the phosphorus contained in the influent to the waste water treatment facility. Township of Northfield, Washtenaw County is ordered to begin complying with this standard forthwith.
 - f. Contain not less than five (5.0) milligrams per liter of dissolved oxygen (DO), and at no time less than seventy-five percent (75%) of the saturated dissolved oxygen at the actual temperature of the effluent discharge.
 - g. Concentrations of substances of unnatural origin shall be less than those which are or may become injurious to the receiving waters designated use of recreational, total body contact.
 - h. The temperature of such effluent discharge shall not exceed ninety (90) degrees Fahrenheit.

II. That, in the event defendants elect to continue discharging effluent into plaintiffs' receiving waters, the time

schedules contained in paragraph 2 of said Amended Final Order of Determination, No. 1478, shall be adjusted where necessary by said Water Resources Commission, except that the new phosphate removal standard contained in subparagraph e of paragraph 1 shall be complied with forthwith.

III. That defendant NORTHFIELD TOWNSHIP shall forthwith meet with officials of HAMBURG TOWNSHIP and officials of Livingston County and shall make a complete disclosure to said officials of the intentions of NORTHFIELD TOWNSHIP respecting its sewage treatment plant, including but not limited to plant expansion plans and a timetable of increased discharge volume up to but not to exceed 750,000 gallons per day of effluent in conformity with the judicially redetermined effluent standards set forth in part I of this Order.

IV. That NORTHFIELD TOWNSHIP is no longer restrained from increasing the size of its waste water disposal plant but that said defendant shall not increase the volume of its effluent discharges beyond 250,000 gallons per day until further order of this Court, and the Court being satisfied, at that time, that the above judicially set standards have been met and will be regularly met and will continue to be met as the discharge volume increases and further that the Court is satisfied that plaintiffs receiving waters will not be polluted by such increase in volume of effluent discharge.


V. That this Court shall retain jurisdiction of this matter pending completion of all matters set forth in the redesignated time schedules referred to in paragraph II above.

VI. That pending further action of the Water Resources Commission, temporary restraining orders may issue as needed to maintain the present status quo.

VII. That defendants NORTHFIELD TOWNSHIP and GREEN OAK TOWNSHIP are restrained from issuing any new tap-in permits or increasing the number of units or users of their waste water treatment plant if such increase in units or users will result in a discharge in excess of 250,000 gallons per day, notwithstanding any contrary language in this Order.



Circuit Judge

PREPARED AND PRESENTED BY:


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