

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

Civil Action No. 1453  
Hon. Stanley J. Latreille

PORTAGE, BASE, AND WHITEWOOD OWNERS  
ASSOCIATION, INC., a Michigan  
non-profit corporation, formerly  
known as PORTAGE AND BASE LAKE  
ASSOCIATION, INC., a Michigan  
non-profit corporation,

Intervening Plaintiff,

v

TOWNSHIP OF NORTHFIELD, a Michigan  
body corporate,

Defendant,

AND

TOWNSHIP OF GREEN OAK, a Michigan  
body corporate,

Intervening Defendant.

**TRUE COPY**  
STANLEY J. LATREILLE  
44th Circuit Court

MICHAEL F. MERRITT (P17642)  
Attorney for Plaintiff  
Lakeland Property Owners  
3075 E. Grand River  
Howell, MI 48843  
(517) 548-4100

BRUCE T. WALLACE (P24148)  
ROBERT W. SOUTHARD (P37203)  
Attorneys for Intervening  
Plaintiff, Hamburg Township  
126 South Main Street  
Ann Arbor, MI 48104  
(313) 662-4426

BRENNAN & BURNS  
Attorneys for Defendant  
Township of Northfield  
Paul E. Burns (P31596)  
133 W. Grand River  
Brighton, MI 48116  
(313) 229-6761

RAYMOND F. CLEVINGER (P11972)  
Attorney for Intervening  
Defendant, Green Oak Township  
427 N. Main Street  
Ann Arbor, MI 48104  
(313) 663-1001

SUPPLEMENTAL ORDER

At a session of said Court, held in the  
City of Howell, County of Livingston,  
State of Michigan, on March 19, 1991.

PRESENT: THE HONORABLE STANLEY J. LATREILLE  
Circuit Judge

This action was originally filed on August 27, 1970. The Court entered an Order pursuant to its Opinion dated May 4, 1972. The Court entered a Supplemental Order on September 11, 1978. On December 5, 1989, Northfield Township filed a Verified Petition for Amendment of the above-referenced Order. Northfield's Petition requested that an Order to Show Cause be entered. On December 10, 1989, the Court entered an Order to Show Cause.

A hearing was originally scheduled for February 26, 1991. The hearing was adjourned to February 28, 1991. On February 28, 1991, the attorneys for all of the parties appeared before this Court. This Court commenced the trial. All parties being represented and having had full opportunity to present evidence and witnesses, and Hamburg Township, Northfield Township and Green Oak Township having agreed to the substance of this Order on March 14, 1991 and Lakeland Property Owners Association expressing opposition, but choosing to present no evidence,

IT IS HEREBY ORDERED AS FOLLOWS:

1. NORTHFIELD shall be permitted to increase the capacity of its Wastewater Treatment Plant to One Million Five Hundred Thousand (1,500,000) gallons per day based upon an annual

average. The Wastewater Treatment Plant with said increased capacity is hereinafter referred to as the "EXPANDED PLANT", and is subject to the following provisions of this Supplemental Order.

2. NORTHFIELD may discharge treated municipal wastewaters from the EXPANDED PLANT through outfall 001 to the Horseshoe Lake drain. Such discharges shall be limited and monitored by NORTHFIELD as follows:

(See page 4 of this Supplemental Order.)

Effluent Characteristic	Dates In Effect	Discharge Limitations			
		Daily Minimum	Daily Maximum	30-Day Average	7-Day Average
Flow (in MGD)	All Year	--	Monitoring Only		--
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	All Year	--	10 mg/l	4 mg/l 50 lb/d	-- 125 lb/d
Total Suspended Solids	All Year	--	--	10 mg/l 125 lb/d	15 mg/l 188 lb/d
Ammonia Nitrogen (as N)	4/1-4/30	--	12 mg/l	6.4 mg/l 80 lb/d	-- 150 lb/d
	5/1-10/31	--	2 mg/l	0.5 mg/l 6 lb/d	-- 25 lb/d
	11/1-11/30	--	12 mg/l	6 mg/l 75 lb/d	-- 150 lb/d
	12/1-3/31	--	--	7.4 mg/l 93 lb/d	--
	All Year	--	--	0.4 mg/l	--
Total Phosphorus (as P)	All Year	--	--	0.4 mg/l	--
Dissolved Oxygen	5/1-10/31	6 mg/l	--	--	--
	11/1-4/30	5 mg/l	--	--	--
Fecal Coliform Bacteria	All Year	--	--	--	100/100ml
Total Residual Chlorine	All Year	--	Monitoring Only		--
	All Year beginning 1/1/92	--	0.036 mg/l	--	--
pH (standard units)	All Year	6.5	9.0	--	--

3. NORTHFIELD and HAMBURG acknowledge that the NORTHFIELD wastewater treatment plant currently discharges less phosphorus than the limitation for phosphorus set forth on page 4. NORTHFIELD pledges its best efforts to seek comparable performance in the operations of its EXPANDED PLANT. NORTHFIELD acknowledges that the current level of performance approximates 0.3 mg/l and pledges its best efforts to seek comparable performance in the operations of the EXPANDED PLANT but does not warrant that the discharge of phosphorus from the EXPANDED PLANT will be limited to 0.3 mg/l. IT IS SO ORDERED.

4. For purposes of monitoring the performance of the EXPANDED PLANT pursuant to Paragraphs 2 and 3 above, NORTHFIELD shall submit to HAMBURG copies of the final effluent reports submitted monthly to the Michigan Department of Natural Resources.

5. If HAMBURG TOWNSHIP does not purchase 250,000 gallons per day of the capacity of the EXPANDED PLANT from NORTHFIELD, then, the capacity of the EXPANDED PLANT may only be increased to One Million Three Hundred Thousand (1,300,000) gallons per day on an annual average. In such event, all other provisions of this Supplemental Order shall remain in full force and effect.

6. The jurisdiction of this Court in this matter is retained and continued.

**STANLEY J. LATREILLE**

---

HON. STANLEY LATREILLE  
Circuit Judge

wp/n-field.20