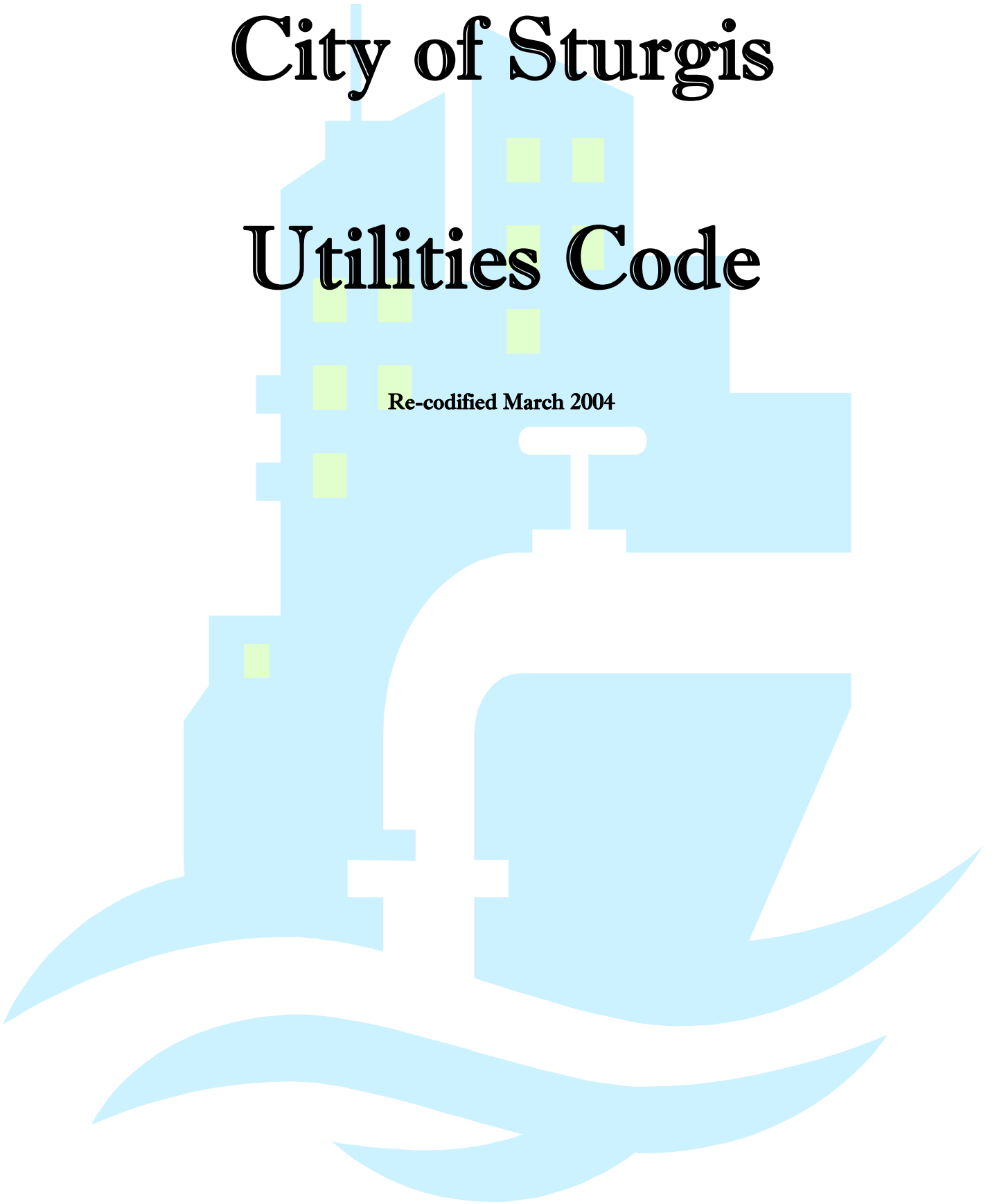


# City of Sturgis

## Utilities Code

Re-codified March 2004



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## **ARTICLE I. IN GENERAL**

Secs. 62-1--62-30. Reserved.

## **ARTICLE II. WATER SYSTEM\***

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\*Charter references: Water system, ch. XXI.

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### **Sec. 62-31. Cross connections with public water supply.**

- (a) The city adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health, R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- (b) It shall be the duty of the city manager to cause inspections to be made of all properties serviced by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the city and as approved by the state department of public health.
- (c) The representative of the city water department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of city for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- (d) The city water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this subchapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water services to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.
- (e) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article and by the state and city plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: "WATER UNSAFE FOR DRINKING."
- (f) This section is supplementary to all laws and ordinances.
- (g) Any person or customer found guilty of violating any of the provisions of this article, or any written order of the water department in pursuance thereof, shall be deemed guilty of a misdemeanor.

(Code 1969, § 50.11)

## **DIVISION 1. GENERALLY**

### **Sec. 62-61. Definitions.**

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

*Act* or *The Act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Approval authority* means the chief of the surface water quality division, state department of natural resources or delegated representative.

*Authorized representative of industrial user* means:

- (1) If the industrial user is a corporation, authorized representative shall mean:
  - a. The president, secretary treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation;
  - 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), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
- (3) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee;
- (4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

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

*Building sewer* means a sewer conveying wastewater from the premises of a user to the publicly owned treatment works.

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

*Categorical pretreatment standard* or *categorical standard* mean any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N.

*CFR* means the Code of Federal Regulations.

*Chemical oxygen demand (COD)* means the total demand or quantity of oxygen required by the wastewater as specified in the current edition of Standard Methods for the Examination of Water and Wastewater expressed in milligrams per liter.

*City* means the City of Sturgis or its duly authorized deputy, agent, or representative.

*Compatible pollutant* means pollutants which can be effectively removed by the POTW treatment system to within acceptable levels for the POTW residuals and receiving stream. Specifically excluded are "heavy" metals, PCBs, and any pollutants that will likely contribute or cause operational or, sludge disposal problems or unacceptable discharges to the receiving waters.

*Composite sample* means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, over a specified period which provides a representative sample of the average stream during the sampling period. For categorical process samples, this is required to be a minimum of four samples per 24 hours (403.12(b)).

*Control authority* means the city wastewater treatment plant superintendent.

*Conventional pollutants* means BOD, TSS, pH, fecal coliform, and oil and grease.

*Debt service charge* means the charges levied for the retirement of indebtedness incurred in the development of the wastewater collection and treatment system.

*Direct discharge* means the discharge of treated or untreated waters directly or indirectly via storm sewer to the waters of the state or navigable waters of the United States.

*Environmental Protection Agency* or *EPA* mean the United States Environmental Protection Agency.

*GPD* means gallons per day.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

*Industrial user* means a source of industrial waste. Single- and multiple-family residential dwellings with discharges consistent with domestic waste characteristics are specifically excluded.

*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, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulation: Section 405 of the Clean Water Act, (USC 1345); the Solid Waste Disposal), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any 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."

*l* means liter.

*Local limits* means the numerical or nonnumerical standards and requirements established by the POTW in order to protect the safety and welfare of the public and POTW workers or the POTW or to prevent pollutant interference, inhibition or pass through in regards to plant operations or to comply with state and federal regulations.

*MDNR* means Michigan Department of Natural Resources.

*mg* means milligrams.

*mg/l* means milligrams per liter.

*National pollutant discharge elimination system or NPDES permit* means a permit issued pursuant to Section 402 of the Act (33 USC 1342).

*New source* means any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to the source if the standards are thereafter promulgated in accordance with that section. Specific provisions shall be as set forth in 40 CFR 403.3(k).

*Noncategorical* means a process or facility with processes which is/are not regulated by any of the National Categorical Pretreatment Standards listed in 40 CFR Chapter I, Subchapter N.

*Noncontact cooling water* means water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product. The water discharged from uses such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

*NPDES* means the national system for the issuance of permits under section 402 of the Act and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to section 402 of the Act National Pollutant Discharge Elimination System.

*O&M* means operation and maintenance.

*Operation and maintenance costs* means all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state, and local wastewater management requirements, and to assure optimum long-term management of the system. The term "operation and maintenance costs" means and includes replacement costs.

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

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

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical waste, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt, industrial and agricultural wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

*POTW treatment plant* means that portion of the POTW designed to provide treatment to wastewater.

*Pretreatment or treatment* mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of introducing the pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings.

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

*Pretreatment standards or standards* means all national categorical pretreatment standards, the general and specific prohibitions specified in 40 CFR 403.5, all state standards as well as the prohibitions or limits specified in this article.

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 62-167.

*Publicly owned treatment works (POTW)* means a treatment works as defined by Section 212 of the Act, (33 USC 1291) which is owned in this instance by the city. This definition includes any public sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewer, or other conveyances not connected to a facility providing treatment. For the purposes of this article, the term "POTW" shall also include any public sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

*RCRA* means Resource Conservation and Recovery Act.

*Receiving waters* means both surface and underground waters, including all ponds, lakes, rivers, streams, public ditches or public drainage systems and sewers other than those that convey wastewater to a POTW.

*Replacement* means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity or performance during the service life of the system for which the system was designed or constructed.

*Sewer service charge* means the total of debt service charges and user charges.



*SIC* means Standard Industrial Classification Code, A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

*Significant change* means any of the following changes in the discharger's effluent or processes since those reported on the discharger's permit application or last compliance report.

- (1) A 20 percent or more change in flow or concentrations of one or more parameters.
- (2) Addition or identification of new pollutant parameters.
- (3) A change in categorical determination.

*Significant industrial user* means:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, Subchapter N; and
- (2) Any other industrial user that:
  - a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).
  - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
  - c. Is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (3) Upon finding that an industrial user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*Slug* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in sections 62-167 and 62-168 or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

*Superintendent* means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

*SWDA* means Solid Waste Disposal Act, 42 USC 6901.

*Toxic pollutant* means any pollutant or combination of pollutants listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act or listed in the Critical

Materials Register promulgated by the state department of natural resources.

*TSS* means total suspended solids.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*USC* means United States Code.

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

*User charges* means charges levied for operation, maintenance, and replacement of the system.

*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

*Wastewater contribution permit* means as set forth in section 62-192.

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

(Code 1969, § 50.51)

**Cross references:** Definitions generally, § 1-2.

## **Sec. 62-62. Purpose and policy.**

- (a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and General Pretreatment Regulation (40 CFR 403).
- (b) The objectives of this article are as follows:
  - (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the POTw (publicly owned treatment works) or contaminate the resulting sludge.
  - (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW.
  - (3) To improve the opportunity to recycle or reclaim wastewater and sludges from the system.
  - (4) To provide for fees for equitable distribution of the cost of operation, maintenance and improvement of the POTW.

- (5) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
  - (6) To enable the city to comply with its NPDES (national pollutant discharge elimination system) permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.
- (c) This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain industrial users and through enforcement of general requirements for the other users; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting, assumes the existing customers' capacity will not be preempted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this article.

(Code 1969, § 50.50)

**Sec. 62-63. Application of article outside of city.**

This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. Except as otherwise provided in this article, the superintendent of the city POTW shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the superintendent may be delegated by the superintendent to other city personnel.

(Code 1969, § 50.50)

**Sec. 62-64. Use of public sewers.**

- (a) *Use required.*
- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
  - (2) Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of seepage.
  - (3) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at his expense to connect any toilet facilities therein directly with the public sanitary sewer in accordance with the provisions of the article, with 90 days after date of official notice to do so, provided that the public sanitary sewer is with 200 feet of the property line.
- (b) *Discharge of unpolluted drainage.*
- (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to

any sanitary sewer unless specifically authorized by the superintendent.

- (2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer or natural outlet. Any discharge other than uncontaminated stormwater or natural discharge will require a national pollutant discharge elimination system (NPDES) permit.

(Code 1969, § 50.53)

### **Sec. 62-65. Private sewage disposal.**

- (a) Where a public sanitary sewer is not available under the provisions of subsection 62-64(a)(3), the building sewer shall be connected to a private sewage disposal system complying with the applicable requirements of the county and the state.
- (b) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (a) of this section, a direct connection shall be made to the public sanitary sewer within 90 days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Code 1969, § 50.52)

Secs. 62-66--62-80. Reserved.

## **DIVISION 2. ADMINISTRATION AND ENFORCEMENT\***

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\*Cross references: Administration, ch. 2.

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### **Subdivision I. In General**

#### **Sec. 62-81. Falsifying information.**

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be guilty of an offense.

(Code 1969, § 50.72)

#### **Sec. 62-82. Board of appeals.**

- (a) In order that the provisions of this article may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the city commission shall serve as a wastewater board of appeals. The duty of the board of appeals shall be to consider appeals from the decision of the superintendent and to determine,

in particular cases, whether any deviation from strict enforcement will violate the intent of this article or jeopardize the public health or safety.

- (b) The board of appeals shall meet at times as the board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The board of appeals shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the board, and the vote of each member upon each question considered. The presence of five members of the board of appeals shall be necessary to constitute a quorum.
- (c) The board of appeals may prescribe the sending of notice to persons as it deems to be interested in any hearing by the board.

(Code 1969, § 50.70)

**Cross references:** Boards and commissions, § 2-361 et seq.

### **Sec. 62-83. Record keeping.**

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. All records which pertain to matters which are the subject of an enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Code 1969, § 50.69)

### **Sec. 62-84. Appeals.**

- (a) *Right of appeal.* Any person has the right to appeal the basis for any charges, permits, orders, or other action developed in accordance with this article. Appeals shall be directed to the superintendent along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the superintendent, shall be obtained by the user at his expense. Resolution of appeals shall be made within 30 days in accordance with the best available data and the formulations presented in this article. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force by this article. All bills for sewage, service outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the city shall adjust the charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four monthly billings only. One potential affirmative defense shall be the upset provision of 40 CFR 403.16.
- (b) *Informal hearing.*
  - (1) An informal hearing before the superintendent may be requested in

writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty, or action within ten days after the date thereof, stating the reasons therefor with supporting documents and data.

- (2) The informal hearing shall be scheduled at the earliest practicable date, but not later than five days after receipt of the request, unless extended by mutual written agreement.
- (3) The hearing shall be conducted on an informal basis at the city hall or such place as designated by the superintendent.

(c) *Formal hearing.*

- (1) Appeals from orders of the superintendent may be made at the city commission, acting as a board of appeals, within 30 days from the date of any citation, order, charge, fee, surcharge, from the date of any citation, order, charge, fee, surcharge, penalty or other action. The appeal may be taken by any person aggrieved. The appellant shall file a notice of appeal with the superintendent and with the board of appeals, specifying the ground therefor. Prior to a hearing, the superintendent shall transmit to the board of appeals a summary report of all previous action taken. The board of appeals may, at its discretion, call upon the superintendent to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the board of appeals must concur.
- (2) The board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof the interested parties, and decide the appeal within a reasonable time. Within the limits of its jurisdiction, the board of appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decisions, or determination as, in its opinion, ought to be made in the case under consideration, and to that end shall have all the powers of the official from whom the appeal is taken.
- (3) The decision of the board of appeals shall be final, except that the board or the members thereof may be required, under proper mandamus proceedings, to show cause why certain actions were taken or decisions rendered.

(d) *Charges outstanding during appeal process.* All charges for service, penalties, fees, or surcharges outstanding during any appeal process shall be due and payable to the city. Upon resolution of any appeal, the city shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous four monthly billings unless otherwise directed by court order.

(e) *Administrative action.* If an informal or formal hearing is not demanded within the periods specified in this section, the administrative action shall be deemed final. In the event either or both hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist orders or any emergency or judicial action.

(f) *Appeals from determinations of board of appeals.* Appeals from the determinations of the board of appeals may be made to the circuit court for the county as provided by law. The appeals shall be governed procedurally by the Administrative Procedures Act of 1969 (MCL 24.201 et seq.). All findings of fact,

if supported by the evidence, made by the board shall be conclusive upon the court.

(Code 1969, § 50.71)

### **Sec. 62-85. Inspection and sampling.**

The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or copying, or in the performance of any of their duties and for emergencies at any time.

- (1) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (2) The city, state, and Environmental Protection Agency shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
  - a. There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
  - b. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specification. Construction shall be completed within 90 days following written notice by the city.
- (3) The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at frequencies that will ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
- (5) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this article. If the superintendent

has been refused access to a building, structure, or property or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community then the superintendent may seek issuance of a search warrant from the district court of the county.

- (6) Sampling and analyses shall be performed in accordance with procedures established by the Environmental Protection Agency pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by Environmental Protection Agency.

(Code 1969, § 50.66)

### **Sec. 62-86. Confidential information.**

- (a) Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, or from inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of this information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
- (b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit or the pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Code 1969, § 50.67)

Secs. 62-87--62-105. Reserved.

## **Subdivision II. Violations**

### **Sec. 62-106. Emergency suspensions.**

- (a) The city may immediately suspend the wastewater treatment service, after informal notice to the user, when the suspension is necessary, in the opinion of the city, in order to stop any discharge of pollutants to the POTW which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The superintendent may also



immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW; or which presents, or may present, an endangerment to the environment, or causes the city to violate any condition of its NPDES permit.

- (b) Any person notified of a suspension of the wastewater treatment service or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city may reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
- (c) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Code 1969, § 50.68(A))

### **Sec. 62-107. Termination of discharge.**

Any user who does any act enumerated in section 62-194 is subject to discharge termination. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Code 1969, § 50.68(C))

### **Sec. 62-108. Letter of violation.**

Whenever the city finds that any user has violated or is violating this article, a wastewater contribution permit or order issued hereunder, or any other pretreatment standard or requirement, the city may serve upon that user a written letter of violation stating the nature of the violation. Within ten days of the date of the notice, a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the city by the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a letter of violation.

(Code 1969, § 50.68(D))

### **Sec. 62-109. Notice of noncompliance.**

If quarterly review of compliance monitoring data from the previous six months indicates significant noncompliance the superintendent will issue a notice of noncompliance to the effected user and a conciliation meeting will be scheduled. A notice of noncompliance shall contain a summary of all violations, an order to appear, legal basis of authority, arrangements for a conciliation meeting where the user must present a plan of action to resolve the violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of noncompliance.

(Code 1969, § 50.68(E))

**Sec. 62-110. Show cause hearing.**

The superintendent may order any user who causes or continues to violate this article, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the superintendent and show cause why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a bar against, prerequisite for, taking any other action against the user.

(Code 1969, § 50.68(F))

**Sec. 62-111. Consent orders.**

The superintendent may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders.

(Code 1969, § 50.68(G))

**Sec. 62-112. Administrative compliance orders.**

When the superintendent finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, the superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including fines for noncompliance, additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Code 1969, § 50.68(H))

**Sec. 62-113. Cease and desist orders.**

When the superintendent finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the superintendent may issue an order to the user directing it to cease and desist all such violation and directing the user to:

- (1) Immediately comply with all requirements; and

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(Code 1969, § 50.68(I))

#### **Sec. 62-114. Recovery of costs.**

Any person violating any of the provisions of this article shall be liable to the city for any expense, loss, or damage occasioned by the city by reason of the violation. Recoverable costs include, but are not limited to, expenses incurred due to additional monitoring, investigating, pumping or treating of discharges; damage or loss to the POTW or public resources; fines and penalties incurred by the community as a result of any user discharging in violation of this article. The user shall be notified of all charges assessed pursuant to this provision. Failure to pay the assessed costs shall constitute a violation of this article.

(Code 1969, § 50.68(J))

#### **Sec. 62-115. Legal action.**

If any person discharges sewage, industrial wastes, or other wastes into the city's POTW contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal or equitable relief in the circuit court of this county.

(Code 1969, § 50.68(K))

#### **Sec. 62-116. Publication of users in significant noncompliance.**

As required by 40 CFR Part 403 Section 503.8(f)(2)(vii), the city shall annually publish to the major local newspaper a list of the users which were significantly violating any applicable pretreatment requirements or standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the users during the same 12 months. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violation, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance

schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

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

(Code 1969, § 50.68(L))

### **Sec. 62-117. Judicial enforcement remedies.**

- (a) *Injunctive relief.* When the superintendent finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued under this article, or any other pretreatment standard or requirement. The superintendent may petition the circuit court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (b) *Recovery of costs.* The superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (c) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the superintendent may take other action against any user when the circumstances warrant. Further, the superintendent is empowered to take more than one enforcement action against any noncompliant user.

(Code 1969, § 50.76)

### **Sec. 62-118. Penalty.**

- (a) *Civil penalties.*
  - (1) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, has committed a municipal civil infraction and shall, be fined the sum specified in any fine schedules compiled from time to time by the city and filed with the court or a city agency of competent jurisdiction for a civil penalty up to \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of

the violation.

- (2) A failure to pay any fine under subsection (a)(1) of this section shall be in default of the payment and is subject to action under chapter 87 of the Revised Judicature Act of 1961 (MCL 600.8701 et seq).
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Criminal prosecution.*

- (1) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued under this article, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor.
- (2) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall be guilty of a misdemeanor.
- (3) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor.

(c) *Administrative payments.*

- (1) When the superintendent finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, in the superintendent's sole discretion the superintendent may seek an administrative payment. Subsection (c)(3) of this section states the amounts of payment that the city would accept in settlement of a violation of discharge limitations covered in subsection (c)(3) of this section. Such payments shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, payments shall be assessed for each day during the period of violation.
- (2) Unpaid charges, payments, and penalties shall, after 60 calendar days, be assessed an additional penalty of three percent of the unpaid balance, and interest shall accrue thereafter at a rate of 1.5 percent per month. A lien against the user's property will be sought for unpaid charges, payments, and penalties.
- (3) The cyanide and metals schedule of penalties shall be as follows:

**CYANIDE AND METALS SCHEDULE OF PENALTIES\*\***

**Average Quarterly Flow, gpd**

Concentration Level	< 10,000 Gals/Day*	10,000--50,000 Gals/Day*	50,000--100,000 Gals/Day*	> 100,000 Gals/Day*
0 - Limit (X)	penalty	penalty	penalty	penalty
> 1(X) - 2(X)	\$ 50.00	\$100.00	\$150.00	\$ 200.00
> 2(X) - 3(X)	.00	.00	.00	.00
> 3(X) - 4(X)	.00	.00	.00	.00***
> 4(X) - 5(X)	.00	.00***	.00	.000.00

(X) = Individual limits as listed in section 62-174 or listed in individual wastewater discharge permits.

\* Based on average day for previous quarter.

\*\* Penalties shall be assessed on any sample exceeding the limits listed in section 62-174 or listed in individual wastewater discharge permits.

**pH Penalty**

**Average Quarterly Flow, gpd**

pH	< 10,000	10,000--50,000	50,000--100,000	> 100,000
5.0--9.5	penalty	penalty	penalty	penalty
4.0--4.9	\$50.00	\$30.00	\$45.00	\$60.00
3.0--3.9	.00	.00	.00	.00
0--2.9	.00	.00	.00	.00***
> 9.5--10.4	.00	.00	.00	.00
10.5--11.9	.00	.00	.00	.00
12.0--above	.00	.00	.00	50.00***

\*\*\* Or maximum penalty permitted by law.

(Code 1969, § 50.99(C), (app. B); Ord. of 7-25-2001(2), §§ 4.08, 4.09)

Secs. 62-119--62-135. Reserved.

**DIVISION 3. BUILDING SEWERS AND CONNECTIONS**

**Sec. 62-136. Permit required for connection; bond.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city.

- (1) Before a particular permit may be issued for excavating for plumbing or drain laying in any public street, way, or alley, the person applying for the permit may be required to execute unto the city and deposit with the city a performance bond with corporate security in the amount of the contracted or estimated work, conditioned upon faithful performance of all work with due care and skill, and in accordance with the laws, rules, and regulations established by the city pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays, and

claims of every nature and kind arising out of mistake or negligence on his part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this section. The bond shall remain in force and must be executed for a period of one year, except that, upon expiration, it shall remain in force as to all penalties, claims, or damages that may have accrued thereunder prior to the expiration.

- (2) This person shall also provide public liability insurance for the protection of the city, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with minimum limits of \$1,000,000.00 for one person, \$300,000.00 for bodily injuries per accident, and \$50,000.00 for property damages.

(Code 1969, § 50.54(A))

**Sec. 62-137. Building sewer permit; fee.**

All new buildings or buildings requiring new sanitary sewer service shall have a building sewer permit. The building owner or agent shall make application for the permit on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. At such time as the plans and specifications have been approved by the city, a temporary construction permit shall be issued, subject to a final inspection and approval when construction is completed and ready for connection with the city wastewater treatment system. A minimum permit and inspection fee, as established by the city, shall be paid to the city at the time the application is filed.

(Code 1969, § 50.54(B))

**Sec. 62-138. User to bear costs of connection.**

All costs and expenses incidental to the application, installation, and connection of the building sewer shall be borne by the user or applicant. The user or the person installing the building sewer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1969, § 50.54(C))

**Sec. 62-139. Separate building sewer for each building; exception.**

A separate and independent building sewer shall be provided for every building; except where one building stands rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the city. Plumbing fixtures installed in accessory buildings and drains carrying sanitary wastewater shall be connected to the public sewer.

(Code 1969, § 50.54(D))

**Sec. 62-140. Old building sewers.**

Old building sewers or portions thereof may be used in connection with new

buildings only when they are found, on examination and testing by the city, to meet all requirements of this section.

(Code 1969, § 50.54(E))

**Sec. 62-141. Construction requirements.**

- (a) The building sewer shall be constructed in accordance with the state plumbing code most recent edition.
- (b) The size and slope of the building sewers shall be subject to the approval of the city, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows.
  - (1) Six-inch pipe, one-eighth-inch per foot or one inch per eight feet.
  - (2) Four-inch pipe, one-quarter-inch per foot or two inches per eight feet.
- (c) Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or long-radius fittings with a clean-out at each curved pipe. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with current American Society for Testing Materials (ASTM) specifications, except that no backfill shall be placed until the work has been inspected by the city.
- (d) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by the drains shall be lifted by artificial means or discharged to the building sewer.

(Code 1969, § 50.54(F))

**Sec. 62-142. Connection at wye branch.**

The connection of the building sewer into the public sewer shall be made at the wye branch designated for the property if the branch is available at a suitable location. Any connection not made at the designated wye branch in the sewer shall be made only as directed by the city.

(Code 1969, § 50.54(G))

**Sec. 62-143. Sewer ready for connection and inspection.**

The applicant for the building sewer shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city.

(Code 1969, § 50.54(H))

**Sec. 62-144. Barricades around excavations; restoration.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks,



parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Code 1969, § 50.54(I))

**Sec. 62-145. Grease, oil, and sand interceptors.**

Pretreatment, including, grease, oil, and sand interceptors shall be provided when, in the opinion of the city they are necessary. See section 62-172.

(Code 1969, § 50.54(J))

**Sec. 62-146. Sufficient capacity must be available.**

No connection will be allowed unless there is sufficient capacity available in the system as determined by the city.

(Code 1969, § 50.54(K))

Secs. 62-147--62-165. Reserved.

**DIVISION 4. DISCHARGE RESTRICTIONS**

**Subdivision I. In General**

**Sec. 62-166. Affirmative defenses to discharge violations.**

- (a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) of this section are met.
- (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause of the upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user has submitted the following information to the superintendent within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or,

if not corrected, the anticipated time the noncompliance is expected to continue; and

- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Code 1969, § 50.74)

### **Sec. 62-167. General discharge prohibitions.**

- (a) A user may not introduce into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of a POTW whether or not the user is subject to national categorical pretreatment standards or other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.
  - (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.H.
  - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shaving, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass groundings or polishing wastes. Any grease, oil, or other substance that will become solid or viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit, including mineral oils from the viscosity range of kerosene on up.
  - (3) Any wastewater having a pH less than 5.0 unless the POTW is specifically designed to accommodate the wastewater, or wastewater having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

- (4) Any wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the POTW.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES or state disposal system permit, the receiving water quality standards or the Maximum Allowable Headworks Loading (MAHL) to the POTW.
- (8) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature which exceeds 60 degrees Celsius (140 degrees Fahrenheit) at the introduction into the POTW a temperature which exceeds 40 degrees Celsius (104 degrees Fahrenheit) at the headworks of the city treatment plant unless the approval authority, upon request of the POTW, approves alternate temperature limits.
- (10) Any pollutants, including oxygen demanding pollutants (BOD, and the like) released at a flow rate or pollutant concentration which will cause interference with either the POTW; or any wastewater treatment or sludge process.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (13) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (14) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (15) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the superintendent. Wastes prohibited by this section shall not be processed or stored in such a manner that they could

be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

- (b) When the superintendent determines that a user is contributing to the POTW any of the above enumerated substances, the superintendent shall begin appropriate enforcement and corrective actions.

(Code 1969, § 50.55)

**Sec. 62-168. Specific pollutant limitations.**

- (a) In addition to limitations stated elsewhere in this article the city shall periodically review treatment plant performance and establish maximum discharge concentration limits to protect against pass through and/or interference. The superintendent may impose mass limitations in addition to, or in place of, the concentration based limitations set out in section 62-174, schedule of local limits.
- (b) No person shall discharge wastewater containing the following pollutants in excess of the system wide limitations published in section 62-174, schedule of local units.

Cyanide, Amendable to Chlorination	Methylene Chloride
Material	Baseline Concentration
BOD5	300
Phosphorus	12
Suspended Solids	350
COD	700
Oil and grease	75

Local limits on pollutants apply at the point where the wastewater is discharged to the POTW unless stated otherwise in a federal standard, discharge permit or order.

- (c) In the event that the POTW determines that a user is discharging substances in quality, quantity or in locations that can cause problems to the POTW or the receiving stream, the POTW has the authority to develop and enforce effluent limits applicable to the user.
- (d) This section shall not prevent the city from entering into any special arrangement or agreement with a user permitting, for some fee, and only to the extent they remain within the treatment capacity of the sanitary sewer system, or other consideration, the discharge of conventional or compatible pollutants at levels in excess of those permitted in this article.

(Code 1969, § 50.56)

**Sec. 62-169. Federal and state standards; city's right of revision.**

- (a) *Federal categorical pretreatment standards.*
  - (1) *Generally.* The national categorical pretreatment standards found at 40 CFR Chapter I, article N, Parts 405--471 are hereby incorporated. Federal standards to supersede if more stringent. Federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for

sources in that subcategory, shall supersede the limitations imposed under this article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

- a. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority 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.
- b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard prior to treatment, the superintendent may impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(2) *Modification.* Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. The term "consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulation, Part 403) "General Pretreatment Regulation for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

- (b) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
- (c) *City's right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 62-62.

(Code 1969, § 50.57)

### **Sec. 62-170. Dilution to achieve compliance prohibited.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or in writing by the superintendent. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Code 1969, § 50.58)

## **Sec. 62-171. Accidental discharges/slug control plans.**

- (a) *Submission of plan; content.* The superintendent may require any user to develop, submit for approval, and implement an accidental discharge/slug control plan. At least once every two years the superintendent shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
- (1) Description of discharge practices, including nonroutine batch discharges.
  - (2) Description of stored chemicals.
  - (3) Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by section 62-193. Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 62-167.
  - (4) A list of responsible persons for 24-hour contact in the event that city staff may discover the slug or accidental discharge.
  - (5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, chemical storage areas and appurtenances by size, location, and all points of discharge.

If necessary, the city may require the user to implement procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. No industrial user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of these plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

- (b) *Protection from accidental discharges and/or slug.* Each user shall provide protection from accidental discharge or slugs of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility.
- (c) *Notice of accidental discharge.* In the case of an accidental discharge and/or slugs, the industrial user shall report in accordance with subsection 62-193(f).
- (d) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

(Code 1969, § 50.59)

## **Sec. 62-172. Pretreatment facilities.**

- (a) *Required; plans.* Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in sections 62-167 and 62-168 within the time limitations specified by the Environmental Protection Agency, the state, or the city whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of these plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
- (b) *New source equipment.* Categorical new sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days) must meet all applicable pretreatment standards.
- (c) *Grease, oil, and sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residential users. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense.
- (d) *Storage and flow-control.* The city may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control in facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (e) *Maintenance of preliminary treatment or flow-equalizing facilities.* Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(Code 1969, § 50.60)

## **Sec. 62-173. Bypass.**

- (a) *Definitions.* For the purposes of this section the following words and terms shall have the meanings respectively ascribed:

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

*Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (b) *Permitted bypass.* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.
- (c) *Advance notification.* If a user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent, at least ten days before the date of the bypass, if possible. A user shall submit oral notice to the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (d) *Enforcement action; exceptions.* Bypass is prohibited, and the superintendent may take an enforcement action against a user for a bypass, unless:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The user submitted notices as required under subsection (c) of this section.
- (e) *Approval of anticipated bypass.* The superintendent may approve an anticipated bypass, after considering its adverse effects, if the superintendent determines that it will meet the three conditions listed in subsection (d) of this section.

(Code 1969, § 50.75)



**Sec. 62-174. Sewer system schedule of local limits.**

The sewer system schedule of local limits shall be as follows:

SYSTEM WIDE LIMITS	
Chemical	Daily Limit (mg/L)
Cyanide, Amenable to Chlorination	.7154
Methylene Chloride	.9857

**LIMITS WHICH MAY BE USED IN INDIVIDUAL PERMITS FOR SPECIFIC ENFORCEMENT**

Chemical	Chemical Limit (mg/L)
Arsenic	.08030
Cadmium	.06561
Chromium	.63160
Copper	.87080
Lead	.41310
Mercury	Non Detectable at 0.2 ug/L
Nickel	.05750
Selenium	.07716
Silver	.11780
Zinc	.40830

(Code 1969, § 50.99(app. A))

Secs. 62-175--62-190. Reserved.

**Subdivision II. Wastewater Discharge Permits**

**Sec. 62-191. Generally.**

- (a) *Permit required for significant users.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW except that a significant industrial user that has filed a timely application pursuant to this section may continue to discharge for the time period specified in this subdivision. Any of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and the wastewater discharge permittee to the sanctions set out in sections 62-83 and 62-118. All existing unpermitted significant industrial users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this article.
- (b) *Other users.* The superintendent may require other users to obtain wastewater discharge permits as necessary to carry purposes of this article.
- (c) *Permit application; fee.* Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a fee in the amount established by resolution. Unpermitted existing users shall apply for a wastewater contribution permit within

30 days after becoming aware of SIU status or if requested by the city. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by subsection 62-193(1) of this article. In addition, the following information may be requested:

- (1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
  - (2) Number and type of employees, hours of operation, and proposed or actual hours of operation of the POTW.
  - (3) Each product produced by type, amount, process or processes, and rate of production.
  - (4) Type and amount of raw materials processed (average and maximum per day).
  - (5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
  - (6) Time and duration of the discharge.
  - (7) Any other information as may be deemed necessary by the superintendent to evaluate the wastewater discharge permit application.
- (d) *Application and report signatories and certification.* All wastewater discharge permit applications and categorical industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (e) *Issuance of permit.* The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit. The city may deny any application for a wastewater discharge permit.
- (f) *Permit modifications.* The superintendent may modify the wastewater discharge permit for good cause including, but not limited to, the following:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
  - (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the POTW, city personnel, or the receiving waters.
- (5) Violation of any terms or conditions of the wastewater discharge permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (8) To correct typographical or other errors in the wastewater discharge permit.
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(Code 1969, § 50.63)

### **Sec. 62-192. Wastewater permit contents.**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the superintendent to prevent pass through or interference, protect the quality of the waterbody receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

- (1) *Contents generally.* Wastewater discharge permits must contain the following conditions:
  - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.
  - b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
  - c. Effluent limits applicable to the user based on applicable standards in federal, state, and local law.
  - d. Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
  - e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, of local law.
- (2) *Additional information.* Wastewater discharge permits may contain, but

need not be limited to, the following:

- a. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
  - b. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater constituents and characteristics.
  - c. Limits on average and/or maximum rate and time of discharge and/or requirements for flow regulation and equalization.
  - d. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
  - e. Specifications for monitoring programs which may include sampling location, frequency of sampling, number, types, and standards for tests and reporting schedule.
  - f. Compliance schedules.
  - g. Requirements for submission of technical reports or discharge reports.
  - h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto.
  - i. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - j. Requirements for notification of slug discharges as per subsection 62-194(a)(2).
  - k. The reporting requirements for upset conditions as defined in 40 CFR 403.16(c)(3) requiring 24-hour notification of upset followed by written notification within five days if given verbally.
  - l. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - m. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
  - n. Other conditions as deemed appropriate by the city to ensure compliance with this article.
- (3) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year and must be stated to expire on a specific date. The user shall apply for permit reissuance by submitting a complete permit application, in accordance with subsection 62-191(b), a minimum of 180 days prior to the expiration of the user's existing permit.

- (4) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may be transferred to a new owner, new user, different premises, or a new or changed operation only if the permittee gives at least 30 days advance notice to the superintendent and the superintendent approves the wastewater discharge permit transfer. The notice to the superintendent must include a written certification by the new owner and/or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
  - b. Identifies the specific date on which the transfer is to occur.
  - c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Code 1969, § 50.64)

### **Sec. 62-193. Reporting requirements.**

- (a) *Baseline monitoring reports.* Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in this subsection. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in this subsection. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (1) *Identifying information.* The name and address of the facility including the name of the operator and owners.
  - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
  - (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.
  - (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) *Measurement of pollutants.*
    - a. Identify the categorical pretreatment standards applicable to each

regulated process.

- b. Submit the results of sampling, analysis and reporting identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. Sampling and analyses shall be performed in accordance with 40 CFR 403.12(b)(5).
- (6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (7) *Additional pretreatment.* If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide the additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule.
    - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and beginning and conducting routine operation.
    - b. No increment referred to in subsection (a)(7)a of this section shall exceed nine months.
    - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between the progress reports to the superintendent.
    - d. In no event shall more than nine months elapse between such progress reports to the superintendent.
  - (8) *Reports to be signed and certified.* All baseline monitoring reports must be signed and certified in accordance with subsection 62-191(d).
  - (9) Within 60 days after modification of a categorical pretreatment standard by a removal allowance, the combined wastestream formula, a fundamentally different factors variance, or after more than one of these modifications, the user shall submit any necessary amendments to the

information requested by the certification provision at subsection (a)(6) of this section, and the schedule at subsection (a)(7) of this section.

- (b) *Compliance date report.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in subsections (a)(4) through (6) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. This report must be signed and certified in accordance with section 62-191.
- (c) *Periodic compliance reports.*
- (1) All significant industrial users shall, at a frequency determined by the superintendent but in no case less than twice per year (in April and October), submit a report indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. Periodic compliance reports of Categorical industrial users must be signed and certified in accordance with subsection 62-191(d).
  - (2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
  - (3) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in subsection (a)(5)b of this section, the results of this monitoring shall be included in the report. The sampling and analysis required in subsections (a), (b) and (c) of this section may be performed by the control authority in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the report.
- (d) *Notice of violation/repeat sampling and reporting.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user at least one a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of his sampling.
- (e) *Report of changed conditions.* Each industrial user is required to notify the superintendent of any planned significant changes to the industrial user's

operations or system which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

- (1) The superintendent may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- (2) The superintendent may issue or modify an existing wastewater discharge permit.
- (3) No industrial user shall implement the planned changed conditions until and unless the superintendent has responded to the industrial user's notice.
- (4) For purposes of this requirement flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

(f) *Reports of potential problems.*

- (1) In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, noncustomary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the discharge standards in sections 62-167 and 62-168), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
- (2) Within five days following such discharge, the industrial user shall, unless waived by the superintendent, submit a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (3) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this article.
- (4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(g) *Notification of the discharge of hazardous waste.* Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. This notification shall be in accordance with requirements spelled out in 40 CFR 403.12(p).



- (h) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Code 1969, § 50.65)

**Sec. 62-194. Revocation of permit.**

- (a) Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:
- (1) Failure to provide prior notification to the superintendent of changed conditions pursuant to subsection 62-193(e).
  - (2) Failure of the user to report significant changes to the wastewater prior to the changed discharge.
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
  - (4) Falsifying self-monitoring reports.
  - (5) Tampering with monitoring equipment.
  - (6) Refusal of reasonable access to the user's premises and records for the purpose of inspection or monitoring.
  - (7) Violation of conditions of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.
  - (8) Failure to pay fines.
  - (9) Failure to pay sewer charges.
  - (10) Failure to meet compliance schedules.
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
  - (12) Failure to provide advance notice of the transfer of a permitted facility.
  - (13) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (b) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

(Code 1969, § 50.68(B))

Secs. 62-195--62-210. Reserved.

**DIVISION 5. RATES AND CHARGES**

**Sec. 62-211. Generally.**

- (a) It is the purpose of this section to provide for the recovery of costs from the users

of the city's wastewater disposal system for the implementation of the program established in this article. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

- (b) The city may adopt charges and fees which may include the following. These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city.
  - (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program.
  - (2) Fees for monitoring, inspection, and surveillance procedures.
  - (3) Fees for reviewing accidental discharge procedures and construction.
  - (4) Fees for permit application.
  - (5) Fees for filing appeals.
  - (6) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards.
  - (7) Other fees as the city may deem necessary to carry out the requirements contained in this article.

(Code 1969, § 50.62)

**Sec. 62-212. Rates.**

- (a) For the use of and the service rendered by the sanitary sewer system and the treatment works, rates and charges shall be established and collected from the owners of each and every lot, parcel of real estate, or building that is actively connected with the city's sanitary sewer system, or otherwise discharges sanitary sewage, industrial wastes, water, or other liquid either directly or indirectly into the sanitary sewer system of the city. Rates and charges shall be fixed and collected from the owners of all improved lots or parcels of real estate or buildings within the city limits so situated that a sanitary sewer is available.
- (b) A sanitary sewer shall be considered available to a lot or parcel of land if it is located in any street or alley adjacent on the effective date of the ordinance from which this article is derived.

(Code 1969, § 50.73(A))

**Sec. 62-213. Submission of rates to city commission for approval.**

The city manager may on or before the first regular commission meeting in June of any year submit complete schedules of all rates and charges for the ensuing year and when approved by the city commission, they shall be in full force and effect and shall supersede any and all prior rates and charges, and continue in full force until changed as provided in this article.

(Code 1969, § 50.73(B))

**Sec. 62-214. Deposit and use of moneys.**

All moneys collected under the provisions of this section shall be deposited in a sanitary sewer system and sewage treatment fund, expenditures from which are to be

made only for maintenance, operation, administration, and expansion of the city's sewage treatment plant; maintenance and operation of the city's sanitary sewers; and construction or reconstruction of trunk line sanitary sewers.

(Code 1969, § 50.73(C))

**Sec. 62-215. No free service.**

No owner of a chargeable property shall be allowed to have free service.

(Code 1969, § 50.73(D))

**Sec. 62-216. Annual breakdown of service charges for customer.**

On an annual basis, each customer shall receive a breakdown of cost of their service charges for the previous year, of that portion of the cost which is attributable to operation, maintenance and replacement, and local capital cost.

(Code 1969, § 50.73(E))

**Sec. 62-217. Monthly invoice of sewer service charges.**

Each user shall receive a monthly invoice for sewer service charges. This invoice shall be due and payable within 30 days after the date of the invoice.

(Code 1969, § 50.73(F))

**Sec. 62-218. Surcharges.**

All nondomestic users of the city sewage works shall pay a surcharge for effluent containing the compatible pollutants in excess of baseline concentrations specified in section 62-168. For suspended solids, BOD, COD, phosphorus, grease and oil, or other specific compatible pollutants, the city may accept payment in lieu of the user meeting baseline concentration limits, subject to section 62-168.

- (1) The city may use the test results from a COD analysis as an alternative means of surcharging for BOD.
- (2) Surcharges for compatible pollutants shall be calculated as follows:

Pollutant	Unit Surcharge (per lb)		Pollutant in Discharge (ppm)		Baseline Concentration Limit (ppm)		Conversion Factor (lb/gal)		Flow in MG
Suspended Solids	Amount	x	SS	-	350	x	8.34	x	MG
BOD	Amount	x	BOD	-	300	x	8.34	x	MG
Phosphorous	Amount	x	P	-	12	x	8.34	x	MG
Oil and Grease	Amount	x	O&G	-	75	x	8.34	x	MG
COD	Amount	x	COD	-	700	x	8.34	x	MG

(Code 1969, § 50.73(G))

Secs. 62-219--62-240. Reserved.

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