

ARTICLE VI. SEWER SYSTEM DISCHARGE RESTRICTIONS AND PRETREATMENT REQUIREMENTS

DIVISION 1. GENERALLY

Sec. 62-401. 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 means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means the director of the state department of natural resources or other duly authorized official of such agency.

Authorized representative of industrial user means a person who may be:

- (1) A principal executive officer of at least the level of vice-president if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated in subsection (1) or (2) of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

Building sewer means a sewer conveying wastewater from the premises of a user to the POTW.

Categorical standards means national categorical pretreatment standards or pretreatment standards.

Control authority refers to the approval authority.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

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

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

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 without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and 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 indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402 of the act (33 USC 1342).

Interference means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the act (33 USC 1345), or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria including those contained in any state sludge management plan prepared pursuant to title IV of SWDA applicable to the method of disposal or use employed by the POTW.

National categorical pretreatment standard or *pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1317) which applies to a specific category of industrial users.

National Pollution Discharge Elimination System permit, NPDES permit or *National Pollutant Discharge Elimination System permit* means a permit issued pursuant to section 402 of the act (33 USC 1342).

National prohibitive discharge standard or *prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.

pH means the logarithm (base 10) of 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, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

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

Pretreatment or *treatment* means 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 discharging or otherwise introducing such pollutants into a

POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

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

Publicly owned treatment works (POTW) means a treatment works, as defined by section 212 of the act (33 USC 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, POTW also includes any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Significant industrial user means any industrial user of the city's wastewater disposal system who:

- (1) Has a discharge flow of 25,000 gallons or more per average workday;
- (2) Has a flow greater than five percent of the flow in the city's wastewater treatment system;
- (3) Has in his wastes toxic pollutants as defined pursuant to section 307 of the act or state statutes and rules; or
- (4) Is found by the city, the state control agency, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

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. Until such time as the city shall, by resolution, designate a superintendent, the superintendent of the city sewerage department shall be the superintendent for purposes of this article.

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.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

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

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any infiltration

or inflow which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater discharge permit means the permit as set forth in subdivision II of division 2 of this article.

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 accumulations 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 1984, § 2.252)

Cross references: Definitions generally, § 1-2.

Sec. 62-402. Abbreviations.

The following abbreviations used in this article shall have the designated meanings:

TABLE INSET:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
USC	United States Code
TSS	Total suspended solids

(Code 1984, § 2.253)

Sec. 62-403. 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 the general pretreatment regulations (40 CFR 403).
- (b) The objectives of this article are to:
 - (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) 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 system;

- (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) Provide for equitable distribution of the cost of the municipal wastewater system.
- (c) This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's 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.
- (d) 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's POTW. This article is a supplement to article V of this chapter. Except as otherwise provided in this article, the superintendent of the city's POTW shall administer, implement and enforce this article.

(Code 1984, § 2.251)

Sec. 62-404. Penalties for violations.

Any user who is found to have violated an order of the city council, which order has been made pursuant to this article, or who willfully or negligently fails to comply with any section of this article or the orders, rules, regulations or permits issued under this article shall be punished by a fine of not more than \$1,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(Code 1984, § 2.301; Ord. No. 72-03, § 1, 4-14-2003)

Sec. 62-405. Falsifying information.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or the wastewater discharge permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished as provided in section 1-7.

(Code 1984, § 2.302)

Sec. 62-406. Recovery of costs.

Any discharger violating any of the sections of this article or who discharges or causes a discharge producing a deposit or obstruction or who causes damage to or impairs the authority's wastewater disposal system shall be liable to the authority for any expense, loss or damage caused by such violation or discharge. If the discharger shall neglect or refuse to pay the assessed costs, the city may commence legal proceedings to recover the costs, together with costs and attorney fees as allowed by law. Such action shall be in addition to any other penalties or remedies provided in this article.

(Code 1984, § 2.303)

Sec. 62-407. Permit required.

It shall be unlawful to discharge any wastewater without a city permit to any natural outlet within the city or in any area under the jurisdiction of the city or to the POTW except as authorized by the superintendent in accordance with this article.

(Code 1984, § 2.273)

Sec. 62-408. Fees.

(a) It is the purpose of this article to provide for the recovery of costs from 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. The city may adopt charges and fees which may include the following:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program.
- (2) Fees for monitoring, inspections and surveillance procedures.
- (3) Fees for reviewing accidental discharge procedures and construction.
- (4) Fees for permit applications.
- (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.

(b) These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city.

(Code 1984, §§ 2.267, 2.268)

Secs. 62-409--62-435. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

*Cross references: Administration, ch. 2.

Subdivision I. In General

Sec. 62-436. Confidential information.

(a) Under this article, information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and 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 city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

- (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 upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and the pretreatment programs. However, such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (c) Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user.

(Code 1984, § 2.285)

Sec. 62-437. Records retention.

All dischargers subject to this article shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation activities brought by the authority pursuant to this article shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Code 1984, § 2.286)

Sec. 62-438. Monitoring facilities.

- (a) The city shall require to be provided and operated, at the user's own expense, monitoring facilities to allow the inspection, sampling and flow measurement of the building sewer or internal drainage systems. 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.
- (b) There shall be ample room in or near such 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.
- (c) Where 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 specifications. Construction shall be completed within 90

days following written notification by the city.

(Code 1984, § 2.282)

Sec. 62-439. 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 in the performance of any of their duties. The city shall have the right to request copies of records that relate to the quantity and quality of wastewater discharged. The city or approval authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, personnel from the city or approval authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Code 1984, § 2.283)

Sec. 62-440. Harmful contributions.

- (a) The city may suspend the wastewater treatment service and a wastewater discharge permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, which causes interference to the POTW, or which causes the city to violate any conditions of its NPDES permit.
- (b) Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. If the person fails 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 shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

(Code 1984, § 2.291)

Sec. 62-441. Notice of violation.

Whenever the city finds that any user has violated or is violating this article, the wastewater discharge permit or any prohibition limitation of requirements contained in this article, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(Code 1984, § 2.293)

Sec. 62-442. Show cause hearing.

- (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the 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 before the hearing. Service may be made on any agent or officer of a corporation.
- (b) The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:
 - (1) Issue in the name of the city council notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.
- (c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Code 1984, § 2.294)

Sec. 62-443. Legal action.

- (a) If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to this article, federal or state pretreatment requirements or any order of the city, the city attorney may commence an action for appropriate legal and equitable relief in the circuit court of this county.
- (b) In addition to the penalties provided in this article, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.

(Code 1984, § 2.295)

Sec. 62-444. Right of appeal.

Any discharger or any interested party shall have the right to request, in writing, an interpretation or ruling by the authority on any matter covered by this article and shall be entitled to a prompt written reply. If such inquiry is by a discharger and deals with matters of performance or compliance with this article or deals with a wastewater discharge permit issued pursuant to this article for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the written reply. Appeal of any final judicial order entered pursuant to this article may be taken in accordance with local and state law.

(Code 1984, § 2.296)

Sec. 62-445. Operating upsets.

Any discharger who experiences an upset in operations which places the discharger in a temporary state of noncompliance with this article or a wastewater discharge permit issued pursuant to this article shall comply with the notification and reporting procedures described in section 62-513 for accidental discharges. A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the authority against a discharger for any noncompliance with this article or any wastewater discharge permit issued pursuant to this article which arises out of violations alleged to have occurred during the period of the upset.

(Code 1984, § 2.297)

Secs. 62-446--62-470. Reserved.

Subdivision II. Wastewater Discharge Permit

Sec. 62-471. Required.

- (a) All significant 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.
- (b) All dischargers to the stormwater system or other natural outlets within the city with NPDES permits for discharge shall be exempt from applying for a city permit, provided copies of the NPDES permit, permit application and permit monitoring reports are submitted to the city within ten days after submission to the state.

(Code 1984, § 2.274)

Sec. 62-472. Application.

- (a) A user required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location, if different from the address.
- (2) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including but not limited to those mentioned in division 3 of this article, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutant in the discharge which are limited by any city, state or federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - b. No increment referred to in subsection (a)(9)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 such 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 such progress reports to the superintendent.

- (10) Each product produced by type, amount, process and rate of production.
 - (11) Type and amount of raw materials processes (average and maximum per day).
 - (12) Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.
 - (13) Any other information as may be desired by the city to be necessary to evaluate the permit application.
- (b) 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 discharge permit subject to terms and conditions provided in this subdivision.

(Code 1984, § 2.275)

Sec. 62-473. Modifications.

Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to required compliance with such standard within the timeframe prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 62-472, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after promulgation of an applicable federal categorical pretreatment standard the information required by subsections 62-472(a)(8) and (9).

(Code 1984, § 2.276)

Sec. 62-474. Conditions.

Wastewater discharge permits shall be expressly subject to all sections of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule.

- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports as required in section 62-477.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto.
- (9) Requirements for notification to the city of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (10) Requirements for notification of slug discharges as per section 62-477.
- (11) Other conditions as deemed appropriate by the city to ensure compliance with this article.

(Code 1984, § 2.277)

Sec. 62-475. Duration.

Wastewater discharge 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 or may be slated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in division 3 of this article are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Code 1984, § 2.278)

Sec. 62-476. Transferability.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Code 1984, § 2.279)

Sec. 62-477. Reporting requirements for permittee; compliance date report.

Within 90 days following the date for final compliance with applicable pretreatment standards or, for a new source, following commencement of the introduction of wastewater into the POTW, any user subject to wastewater pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being set on a consistent

basis and, if not, what additional operation and maintenance (O&M) or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(Code 1984, § 2.280)

Sec. 62-478. Periodic compliance reports.

- (a) Any user subject to a wastewater pretreatment standard, after the compliance date of such pretreatment standard, or for a new source after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standards or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported as required in this subdivision. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which such reports are to be submitted.
- (b) The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and contained in 40 CFR 236 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Code 1984, § 2.281)

Sec. 62-479. Revocation.

Any user who violates the following conditions or applicable state and federal regulations is subject to having his wastewater discharge permit revoked in accordance with the procedures of this article:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

- (4) Violation of conditions of the permit.

(Code 1984, § 2.292)

Secs. 62-480--62-505. Reserved.

DIVISION 3. DISCHARGE RESTRICTIONS

Sec. 62-506. General prohibitions.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any 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, because 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. At no time shall any single reading on an explosion hazards meter at the point of discharge into the system or at any point in the system be more than 20 percent of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which is a fire hazard or a hazard to the system.
 - (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, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
 - (3) Any wastewater having a pH less than 5.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
 - (4) Any wastewater containing toxic 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, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.
 - (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard

to life 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, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause 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 to the sludge management method being used.
 - (7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
 - (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 treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which causes the treatment plant influent to exceed 104 degrees Fahrenheit.
 - (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration that a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the user's average 24-hour concentration, quantities or flow during normal operation.
 - (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.
- (b) When the superintendent determines that a user is contributing to the POTW any of the substances enumerated in subsection (a) of this section in such amounts as to interfere with the operation of the POTW, the superintendent shall:
- (1) Advise the user of the impact of the contribution on the POTW; and
 - (2) Develop effluent limitations for such user to correct the interference with the POTW.

(Code 1984, § 2.257)

Sec. 62-507. Federal categorical pretreatment standards.

Upon the promulgation of the 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 immediately supersede the limitations imposed

under this article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(Code 1984, § 2.258)

Sec. 62-508. Modification of federal categorical pretreatment standards.

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. 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 in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 40.37(c)(2), General Pretreatment Regulations 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.

(Code 1984, § 2.259)

Sec. 62-509. Specific pollutant limitations.

No person shall discharge wastewater containing in excess of the following:

TABLE INSET:

Pollutant	Discharge Limit	
(1)	Inorganics:	
	Arsenic	0.92 mg/l
	Cadmium	0.07 mg/l
	Chromium (total)	1.71 mg/l
	Copper	2.07 mg/l
	Cyanide	0.65 mg/l
	Lead	0.43 mg/l
	Mercury	No detectable discharge
	Nickel	2.38 mg/l
	Silver	0.24 mg/l
	Zinc	1.48 mg/l
(2)	Organics:	
	Total toxic organics (TTO)	2.13 mg/l
	Phenols	0.300 mg/l
(3)	General characteristics:	
	Chlorine demand	15 mg/l
	Chemical oxygen demand (COD)	Surcharge above 450 mg/l Upper limit 2,000 mg/l
	Five-day biochemical oxygen demand (BOD ₅)	Surcharge above 200 mg/l Upper limit 1,000 mg/l
	Suspended solids	Surcharge above 250 mg/l Upper limit 1,000 mg/l
	Phosphorus (as P)	Surcharge above 10 mg/l Upper limit 100 mg/l

Pollutant		Discharge Limit
	Ammonia nitrogen (NH ₃ as N)	Surcharge above 20 mg/l Upper limit 100 mg/l
	Chlorides	Surcharge above 800 mg/l Upper limit 4,000 mg/l
	Fats, oils and grease	100 mg/l
	pH	Lower limit 5.5 Upper limit 9.5
	Temperature (°F)	150° F maximum to sewer 104° F maximum at POTW treatment plant influent

(Code 1984, § 2.260)

Sec. 62-510. 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.

(Code 1984, § 2.261)

Sec. 62-511. City's right of revision.

The city reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 62-403.

(Code 1984, § 2.262)

Sec. 62-512. Excessive discharge.

Under this article, 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 the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the city or state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in section 62-506, e.g., the pH prohibition, at the discretion of the city.)

(Code 1984, § 2.263)

Sec. 62-513. Accidental discharges.

- (a) *Protection required.* Each user shall provide protection from accidental discharge 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. All users shall submit such a plan along with their permit application. No user who commences contribution to the POTW after the effective date of the ordinance from which this article derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such 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. If an accidental discharge or operations upset occurs, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (b) *Written notice.* Within five days following an accidental discharge or operations upset, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- (c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call if an accidental discharge of prohibited materials or other substances regulated by this article occurs. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(Code 1984, § 2.264)

Sec. 62-514. Pretreatment; publication of violators; records.

- (a) Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. 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 such 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 this article. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
- (b) The city shall annually publish in the city newspaper a list of the users which were significantly violating pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the users during the same 12 months. Significant violations are violations which remain uncorrected 45 days after notice of noncompliance.
- (c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(Code 1984, § 2.284)