

# Industrial Pretreatment

## ARTICLE I. REGULATIONS

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### SECTION 720.010: DEFINITIONS

The following words, terms, phrases and abbreviations, 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:* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*APPROVAL AUTHORITY:* The Director in an NPDES State with an approved State pretreatment program and the Administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

*AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER:* An authorized representative of an industrial user 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; or
3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*BIOCHEMICAL OXYGEN DEMAND:* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20°C) expressed in terms of weight and concentration (milligrams per liter).

*BOD:* Biochemical oxygen demand.

*BUILDING SEWER:* A sewer conveying wastewater from the premises of a user to the POTW.

*CATEGORICAL STANDARDS:* National categorical pretreatment standards or pretreatment standard.

*CFR:* The Code of Federal Regulations.

*COD*: Chemical oxygen demand.

*COMMERCIAL PERMITTED USER*: Any commercial, industrial, institutional or other user of the POTW who does not qualify as a significant industrial user but, however, contributes waste not considered normal domestic waste and has potential for discharge of toxic or prohibitive material. This category may include, but not be limited to, service stations, auto repair facilities, laundries, car washes, food preparation and processing facilities, manufacturing facilities and similar enterprises.

*CONTROL AUTHORITY*: The approval authority, defined in this Section, or the Superintendent if the City has an approved pretreatment program under the provisions of 40 CRF, 403.11.

*COOLING WATER*: Once through non-contact cooling water or other non-contact cooling water from sources such as air conditioning, cooling or refrigeration. The only pollutant permitted to be added to such water is heat or thermal additions.

*DIRECT DISCHARGE*: The discharge of treated or untreated wastewater directly to the waters of the State.

*ENVIRONMENTAL PROTECTION AGENCY*: The United States 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.

*EPA*: The United States Environmental Protection Agency.

*GRAB SAMPLE*: 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*: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*INDIRECT DISCHARGE*: The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW including holding tank waste discharged into the system.

*INDUSTRIAL USER*: A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

*INTERFERENCE*: 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 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, 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.

*l*: Liter.

*mg*: Milligrams.

*mg/l*: Milligrams per liter.

***NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD***: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

***NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT***: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

***NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD***: Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

***NEW SOURCE***: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) of the Act (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

***NORMAL DOMESTIC WASTE***: A waste similar in characteristics to that generated by an average single-family dwelling unit.

***NPDES***: National pollutant discharge elimination system.

***pH***: The logarithm, base 10, of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

***POLLUTANT***: 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***: The manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

***POTW***: Publicly owned treatment works.

***POTW TREATMENT PLANT***: Portion of the POTW designed to provide treatment to wastewater.

**PRETREATMENT OR TREATMENT:** 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 or other means, except as prohibited by 40 CFR Section 403.6(d).

**PRETREATMENT FACILITY:** Any premises of any industrial user in which a treatment system is located or in which records are required to be maintained.

**PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

**PUBLICLY OWNED TREATMENT WORKS:** A treatment works as defined by Section 212 of the Act (33 U.S.C. 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 Sections 720.010 through 720.210, "POTW" shall also include 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.

**SIC:** Standard industrial classification.

**SIGNIFICANT INDUSTRIAL USER:** Any industrial user of the City's wastewater disposal system which:

1. Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday.
2. Has a flow greater than five percent (5%) of the flow in the City's wastewater treatment system.
3. Has in his/her wastes in excess of ten percent (10%) of the pretreatment standard for that pollutant toxic pollutants as defined pursuant to Section 307 of the Act.
4. Is found by the City, State Department of Natural Resources or the United States Environmental Protection Agency 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.

**SIGNIFICANT VIOLATION:** A violation which remains uncorrected forty-five (45) days after notification of non-compliance, which is part of a pattern of non-compliance over a twelve (12) month period or which involves a failure to accurately report non-compliance.

**STANDARD INDUSTRIAL CLASSIFICATION:** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of

Management and Budget, 1972.

**STORMWATER:** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT:** 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 Sections 720.010 through 720.210 or his/her duly authorized representative.

**SUSPENDED SOLIDS:** 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:** Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

**TOXIC POLLUTANT:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act, Section 307(a).

**TSS:** Total suspended solids.

**U.S.C.:** The United States Code.

**USER:** Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

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

**WASTEWATER CONTRIBUTION PERMIT:** The permit set forth in Section 720.140.

**WATERS OF THE STATE:** 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. (R.O. 2006 §720.010; Ord. No. 2401 §§1--2, 9-28-05)

*Cross Reference--Definitions and rules of construction generally,  
§100.020.*

## **SECTION 720.020: PURPOSE, OBJECTIVES, APPLICABILITY, SCOPE**

A. Sections 720.010 through 720.210 set forth uniform requirements for 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, Part 403).

B. The objectives of Sections 720.010 through 720.210 are to:

1. Prevent the introduction of pollutants into the City 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. Sections 720.010 through 720.210 provide for the regulation of contributors to the City wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, and authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established in Sections 720.010 through 720.210.

D. Sections 720.010 through 720.210 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 Sections 720.010 through 720.210, the Superintendent of the City POTW shall administer, implement and enforce the provisions of Sections 720.010 through 720.210. (R.O. 2006 §720.020; Ord. No. 2401 §§1--2, 9-28-05)

### **SECTION 720.030: FEES, CHARGES**

A. It is the purpose of Sections 720.010 through 720.210 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 Section. 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:

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 removal allowances, when requested by an industrial user, which allows such industrial user to exceed established categorical standards; and
6. Other fees as the City may deem necessary to carry out the requirements contained in Sections 720.010 through 720.210.

C. These fees relate solely to the matter covered by Sections 720.010 through 720.210 and are separate from all other fees chargeable by the City. (R.O. 2006 §720.030; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.040: 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 Sections 720.010 through 720.210. (R.O. 2006 §720.040; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.050: CITY'S RIGHT OF REVISION**

The City reserves the right to establish by ordinance more stringent limitations or requirements for discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 720.020. (R.O. 2006 §720.050; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.060: 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 Sections 720.010 through 720.210 for sources in that subcategory, shall immediately supersede the limitations imposed under Sections 720.010 through 720.210. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (R.O. 2006 §720.060; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.070: GENERAL DISCHARGE PROHIBITIONS**

A. No user shall contribute or cause to be contributed 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 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. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than five percent (5%) nor any single reading over ten percent (10%) 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 substances which the City, the State or EPA has notified the user 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 articles greater than one-half (½) 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, waste paper, 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 six (6.0) or more than nine (9.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment 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 exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include any pollutant identified pursuant to the latest revision of 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 non-compliance with sludge use or disposal criteria guidelines or regulations developed under Section 405 of the Act or 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 discharge permit or the receiving water quality standards.

8. Any wastewater with objectionable color not removed in the POTW 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 exceeds forty degrees Celsius (40°C) or one hundred four degrees Fahrenheit (104°F).

10. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate or pollutant concentration which 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 quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (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 above enumerated substances 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. (R.O. 2006 §720.070; Ord. No. 2401 §§1--2, 9-28-05)

### **SECTION 720.080: SPECIFIC POLLUTANT LIMITATIONS**

No person shall discharge, based on a twenty-four (24) hour composite sample, wastewater containing the following dissolved pollutants in excess of the amounts indicated below:

Substance/Waste Chemical	Concentration Level Limit Not to Exceed in mg/l in a 24-Hour Composite Sample	Monthly Average in (mg/l)
Aluminum	25.000	15.00
Ammonia (May 1--Sept. 30)	3.250	n/a
Ammonia (Oct. 1--April 30)	4.500	n/a

Arsenic	0.020	0.10
Barium	0.750	0.50
B.O.D.	300.000	n/a
Boron	2.500	2.50
Cadmium	0.014	0.26
Chlorine Demand	3.000	n/a
Chromium Hexavalent	0.015	0.10
Chromium Total	0.522	1.71
Chromium Trivalent	0.522	n/a
C.O.D.	500.00	n/a
Copper	0.435	2.07
Cyanide	0.035	0.65
Lead	0.134	0.43
Mercury	0.013	0.001
Nickel	0.117	2.38
Oil and Grease	100.000	100.00
pH Range	5.5--9.0	n/a
Phenol	0.500	n/a
Silver	0.070	0.24
Temperature	65 Degrees C	n/a
Total Suspended Solids	240.000	n/a
Total Toxic Organics	213.000	n/a
Zinc	1.141	1.48

(R.O. 2006 §720.080; Ord. No. 2401 §§1--2, 9-28-05)

**SECTION 720.090: DILUTION TO ACHIEVE COMPLIANCE**

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. (R.O. 2006 §720.090; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.100: ACCIDENTAL DISCHARGES**

A. *Protection Against Required.* Each user, if required, shall provide protection from accidental discharge of prohibited materials or other substances regulated by Sections 720.010 through 720.210. Facilities or procedures 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 the technology shall be approved by the City before construction of the facility. No significant industry or commercial permitted user who commences contribution to the POTW 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 operation procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of Sections 720.010 through 720.210. In the case of an accidental discharge, 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, volume and corrective actions.

B. *Written Report.* Within five (5) days following an accidental discharge 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 Section or other applicable law.

C. *Notice To Employees.* A notice shall be permanently posted on the significant industry or commercial permitted user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge in accordance with the SPCC (spill prevention control and countermeasures) plan of the permittee. Employees shall ensure that all employees who may cause such an accidental discharge to occur are advised of the internal notification procedure. (R.O. 2006 §720.100; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.110: MONITORING FACILITIES**

A. The City may require to be provided and operated at the user's own expense monitoring facilities to allow 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. 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 specifications. Construction shall be completed within one hundred twenty (120) days following written notification by the City. (R.O. 2006 §720.110; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.120: INSPECTION AND SAMPLING**

A. The City may inspect the pretreatment facilities of any user to ascertain whether the purpose of Sections 720.010 through 720.210 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 their representatives ready access at all reasonable times to all parts of the pretreatment facilities for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The City, State Department of Natural Resources and EPA 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.

B. Where a user has security measures in force which would require proper identification and clearance before entry into his/her premises, the user shall make necessary arrangements with his/her security guards so that, upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

C. While performing the necessary work on private properties, the representatives of the City, State Department of Natural Resources and EPA shall observe all safety rules applicable to the premises established by the industry. The industry shall be held harmless for injury or death to the representatives of the above-mentioned agencies, unless the injury was caused by the industry. Also such agencies shall indemnify the industry against loss or damage to its properties by representatives of such agencies and against liability claims and demand for personal injury or property damage asserted against the industry and growing out of the inspection and sampling operation, except as such may be caused by negligence or failure of the industry to maintain safe conditions. (R.O. 2006 §720.120; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.130: PRETREATMENT**

A. Users shall provide necessary wastewater treatment as required to comply with Sections 720.010 through 720.210 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 selected by the industry shall be submitted to the City for review of technology 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 the provisions of Sections 720.010 through 720.210. 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. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon written request. (R.O. 2006 §720.130; Ord. No. 2401 §§1--2, 9-28-05)

## **SECTION 720.140: WASTEWATER DISCHARGE AND CONTRIBUTION PERMITS**

A. *Required.* All significant industrial users or commercial permitted users proposing to connect to or to contribute to the POTW shall obtain wastewater discharge permits before connecting to or contributing to the POTW. All existing significant industrial users or commercial permitted users connected to or contributing to the POTW shall obtain wastewater contribution permits within one hundred eighty (180) days.

B. *Application.*

1. A user required to obtain a wastewater contribution permit shall complete and file with the City an application in the form prescribed by the City which shall be accompanied by a fee of twenty-five dollars (\$25.00). Existing users shall apply for wastewater contribution permits within thirty (30) days and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

2. The City will evaluate the data on the permit application 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 subject to terms and conditions provided in Sections 720.010 through 720.210.

3. If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the permit will detail 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 standards. 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 (B)(3)(a) shall exceed nine (9) months.

c. Not later than fourteen (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 the user complied with the increment of progress to be met on such date and, if not, the date on which the user 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 (9) months elapse between such progress reports to the Superintendent.

C. *Modifications.* Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by Subsection (B), the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard detailed information of the nature and concentration of any pollutants and information on pretreatment if required.

D. *Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of Sections 720.010 through 720.210 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, maximum and minimum wastewater constituents and characteristics;
3. Limits on 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 (see Section 720.110);
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 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;
10. Requirements for notification of slug discharges; and
11. Other conditions as deemed appropriate by the City to ensure compliance with Sections 720.010 through 720.210.

E. *Duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (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 Sections 720.040 through 720.100 are modified or other just cause exists. The user shall be informed of any proposed changes in the permit at least thirty (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 as determined by the Superintendent.

F. *Transfer.* 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.

G. *Variance.* Any industrial user or commercial permitted user may apply to the Superintendent for a variance to the specific pollutant limitations set forth in Section 720.080. The permit variance shall be revoked upon the promulgation of the Federal Categorical Pretreatment Standards for sources in that subcategory if more stringent than the variance. The permit variance shall be revoked if the effluent from the POTW causes the stream standards to be exceeded for the pollutant for which the variance has been issued. Variances which have been revoked may be reissued at lower limitation upon approval of the Superintendent.

H. *Suspension.* The City may suspend the wastewater treatment service or a wastewater contribution permit when in the opinion of the City Water and Sewer Superintendent the permittee is violating the conditions of permit or the provisions of Sections 720.010 through 720.210. Any person notified of a suspension of the wastewater treatment service or the wastewater contribution permit shall eliminate the contribution within the time

period specified by the City Water and Sewer Superintendent. 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. The City shall reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the non-complying 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 fifteen (15) days of the date of occurrence.

I. *Revocation.* Any user having a permit who violates the following conditions or Sections 720.010 through 720.210 or applicable State and Federal regulations is subject to having his/her permit revoked:

1. Failure of a user to factually report the wastewater constituents and characteristics of the 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;
4. Violation of conditions of the permit. (R.O. 2006 §720.140; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.150: REPORTING REQUIREMENTS FOR PERMITTEE**

A. *Compliance Date Report.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to 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 facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, certified by a qualified professional.

B. *Periodic Compliance Reports.* Any user subject to a pretreatment standard shall, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, submit to the Superintendent during the months of June and December, unless required more frequently the pretreatment standard 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 exceed the maximum flow stated in the permit. 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 the above reports are to be submitted. The Superintendent may impose mass limitations on users which 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 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 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. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the approval authority pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the approval authority. (R.O. 2006 §720.150; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.160: CONFIDENTIAL INFORMATION**

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made 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 Water and Sewer Superintendent 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 Sections 720.010 through 720.210, the national pollutant discharge elimination system permit, State disposal system permit or the pretreatment programs; provided however, that 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 (10) day written notification is given to the authorized representative of the industrial user in person or by registered or certified mail, return receipt requested. (R.O. 2006 §720.160; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.170: 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 Sections 720.010 through 720.210 or a wastewater contribution permittee who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under Sections 720.010 through 720.210 shall, upon conviction, be punished as provided in Section 100.190. (R.O. 2006 §720.170; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.180: VIOLATION -- NOTIFICATION OF USER**

Whenever the City finds that any user has violated or is violating Sections 720.010 through 720.210, a wastewater contribution permit or any prohibition, limitation or requirements contained in Sections 720.010 through 720.210, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction of the violation shall be submitted to the City by the user. (R.O. 2006 §720.180; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.190: VIOLATION -- 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 Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen 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 (10) days before the hearing. Service may be made on the authorized representative of the industrial user as detailed in the permit.

B. The Board of Aldermen may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the Wastewater Department to:

1. Issue in the name of the Board of Aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

2. Take evidence.

3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with reconsideration to the Board of Aldermen for action thereon.

C. At any hearing held pursuant to Sections 720.010 through 720.210, 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 Board of Aldermen 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. (R.O. 2006 §720.190; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.200: VIOLATION -- LEGAL ACTION**

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of Sections 720.010 through 720.210, Federal or State pretreatment requirements or any order of the City, the attorney for the City may commence an action for appropriate legal or equitable relief in the Circuit Court of the County, including its Municipal Division. (R.O. 2006 §720.200; Ord. No. 2401 §§1--2, 9-28-05)

#### **SECTION 720.210: VIOLATION -- CIVIL AND CRIMINAL PENALTIES**

A. Any user who is found guilty of violating any order of the Board of Aldermen pursuant to Sections 720.010 through 720.210 or who willfully or negligently failed to comply with any provision of Sections 720.010 through 720.210, and the orders, rules, regulations and permits issued hereunder, shall be punished as provided in Section 100.190. In addition to the penalties provided for in this Section, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated Sections 720.010 through 720.210 or the orders, rules, regulations and permits issued hereunder.

B. The publicly owned treatment works (POTW), the City, shall have the authority to seek or assess civil or criminal penalties in at least the amount of one thousand dollars (\$1,000.00) a day for each violation by industrial users of pretreatment standards and requirements. (R.O. 2006 §720.210; Ord. No. 2401 §§1--2, 9-28-05)

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