



CITY OF EUREKA
MUNICIPAL CODE
CHAPTER 50 SEWERS

CHAPTER 50: SEWERS

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Sewers

GENERAL PROVISIONS

§ 50.001 PURPOSE AND POLICY.

(A) *Purpose.* This chapter sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the city. This chapter shall apply to all persons using the POTW. It provides for the setting of user charges and fees for the equitable distribution of costs to all users. Revenues derived from the application of the provisions of this chapter shall be used to defray the city's cost of operating and maintaining an adequate wastewater collection and treatment system and to provide sufficient funds for capital outlay, bond service costs, capital improvements depreciation and pretreatment. This chapter also enables the City to comply with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403).

(B) *Objectives.* The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(2) To prevent the introduction of pollutants into the POTW which may pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(6) To enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

('63 Code, § 5-5.101) (Ord. 571-C.S., passed 6-2-94)

§ 50.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(1) If the industrial user is a corporation, *AUTHORIZED REPRESENTATIVE* shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation;

(b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an *AUTHORIZED REPRESENTATIVE* shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state or local governmental facility, an *AUTHORIZED REPRESENTATIVE* shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility;

(4) The individuals described in subsections (1) through (3) of this definition may designate another *AUTHORIZED REPRESENTATIVE* if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

BEST MANAGEMENT PRACTICES (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 50.020, 50.021, 50.022. of this chapter. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20° centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

BUILDING SEWER OR LATERAL. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL PRETREATMENT STANDARD or *CATEGORICAL STANDARD*. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CITY. The City of Eureka, California or the City Council of Eureka.

CITY MANAGER or *MANAGER*. The person designated by the city to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

CLARIFIER. A device designed and installed so as to separate and retain deleterious hazardous or undesirable matter such as sand, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin from a waste stream and permit liquid waste to discharge to the POTW.

COLOR. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Quality Control Board or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

GREASE HAULER. A person, firm or business that collects the contents of a grease interceptor and transports it.

GREASE INTERCEPTOR. A plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

INDIRECT DISCHARGE or *DISCHARGE*. The introduction of source regulated under Section 307 (b), (c) or (d) of the Act.

INDUSTRIAL USER or *USER*. Any person who discharges or causes or permits the discharge of non-domestic wastewater into the POTW.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use, or disposal; and therefore is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state

regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE.

(1) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NUISANCE. Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable

number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

PASS THROUGH. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

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

PREMISES. A parcel of real estate, including any improvements thereon, which is determined by the city to be a single user for the purpose of receiving, using and paying for services.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

PRETREATMENT STANDARDS or STANDARDS. Prohibitive discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 50.020 of this chapter.

PUBLICLY OWNED TREATMENT WORKS or POTW. Any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the city's jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

SEPTIC TANK WASTES. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. Human excrement and gray water (household showers, dishwashing operations, and the like).

SIGNIFICANT INDUSTRIAL USER. Applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gpd or more of process wastewater, contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant or, is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SLUG LOAD. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 50.020 of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

STORMWATER. Any flow occurring during or following any form of natural precipitation including snowmelt.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANT. One of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of this Act.

TREATMENT PLANT EFFLUENT. Any discharge of treated wastewater from the POTW into waters of the state.

WASTEWATER. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLAN or TREATMENT PLANT. The portion of the POTW designed to provide treatment of sewage and industrial waste.

('63 Code, § 5-5.103) (Ord. 571-C.S., passed 6-2-94)

§ 50.003 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency
gpd - Gallons per day
l - liter
mg - milligrams
mg/l - milligrams per liter
NPDES - National Pollutant Discharge Elimination System
O&M - Operation and Maintenance
POTW - Publicly Owned Treatment Works
RCRA - Resource Cost and Recovery Act
SIC - Standard Industrial Classifications
SWDA - Solid Waste Disposal Act (42 USC 6901, et seq.)
TSS - Total Suspended Solids
USC - United States Code

('63 Code, § 5-5.104) (Ord. 571-C.S., passed 6-2-94)

§ 50.004 VANDALISM.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment or other part of the POTW. Any person found in violation of this requirement shall be subject to the enforcement actions set out in this chapter.

('63 Code, § 5-5.306) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.005 CONFIDENTIAL INFORMATION.

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from city inspection and sampling activities, shall be available to the public unless the industrial 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 under applicable state law. When requested and demonstrated by the industrial user

furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information and will be available to the public without restriction.

('63 Code, § 5-5.801) (Ord. 571-C.S., passed 6-2-94)

§ 50.006 CONFLICTING PROVISIONS.

(A) All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter, are hereby repealed to the extent of the inconsistency or conflict. ('63 Code, § 5-5.1503)

(B) In the event any provision of this chapter conflicts or is otherwise inconsistent with the latest edition of the Uniform Plumbing Code which has been or may be adopted by this code, the provisions of this chapter shall prevail. ('63 Code, § 5-5.1504)

(Ord. 571-C.S., passed 6-2-94)

§ 50.007 SEVERABILITY.

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

(Ord. 571-C.S., passed 6-2-94)

GENERAL SEWER USE REGULATIONS

§ 50.020 PROHIBITED DISCHARGE STANDARDS.

(A) No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the city issues a permit for such direct discharges.

(B) No person shall introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards

or any other national, state, or local pretreatment standards or requirement. Furthermore, no person may contribute the following substances to the POTW:

(1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(5) Any wastewater having a temperature greater than 150° F (65.5° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, but in no case shall the discharge exceed 25 mg/L.

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with § 50.039 of this chapter.

(9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

(11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager, in compliance with applicable state or federal regulations.

(12) Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager.

(13) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(14) Any medical wastes, except as specifically authorized in writing by the City Manager in a wastewater discharge permit.

(15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(17) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(C) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

('63 Code, § 5-5.201) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.021 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

('63 Code, § 5-5.202) (Ord. 571-C.S., passed 6-2-94)

§ 50.022 SPECIFIC POLLUTANT LIMITATIONS.

(A) The City Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

(B) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

0.113 mg/l arsenic

0.119 mg/l benzene

0.044 mg/l cadmium

0.023 mg/l chloroform

0.692 mg/l copper

0.796 mg/l cyanide

0.009 mg/l 1,1 dichloroethane

0.062 mg/l	1,2 dichlorobenzene
0.021 mg/l	1,3 dichlorobenzene
0.081 mg/l	1,4 dichlorobenzene
0.070 mg/l	ethylbenzene
3.915 mg/l	lead
0.009 mg/l	mercury
0.049 mg/l	methylene chloride
0.574 mg/l	nickel
0.146 mg/l	silver
0.376 mg/l	toluene
1.438 mg/l	total chromium
0.392 mg/l	total phenols
0.520 mg/l	total xylenes (total xylenes is defined as the sum of ortho, para, and meta xylenes)
0.678 mg/l	zinc

(C) Concentrations apply at the point where the waste is discharged to the POTW. All concentrations for metallic substances are for “total” metal, unless indicated otherwise. At his discretion, the City Manager may impose mass limitations in addition to or in place of the concentration based limitations above.

(D) The City Manager may develop Best Management Practices (BMP), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of sections 50.020, and 50.021 of this chapter.

('63 Code, § 5-5.203) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.023 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives and/or the general and specific prohibitions established in this chapter.

('63 Code, § 5-5.204) (Ord. 571-C.S, passed 6-2-94)

§ 50.024 SPECIAL AGREEMENT.

The city reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

('63 Code, § 5-5.205) (Ord. 571-C.S., passed 6-2-94)

§ 50.025 DILUTION.

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

('63 Code, § 5-5.206) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

PRETREATMENT OF WASTEWATERS

§ 50.035 PRETREATMENT FACILITIES.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the state, or the City Manager, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the city for review, and must be approved by the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this chapter.

('63 Code, § 5-5.301) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.036 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the City Manager may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(B) Each person discharging into the POTW greater than 100,000 gallons per day may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a 24-hour period.

(C) Clarifiers shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of wastewater containing excessive amounts of, petroleum oil, non-biodegradable cutting oil, products of mineral oil origin or sand; except that such clarifiers shall not be required for residential users. All clarifiers shall be of type and capacity approved by the City Manager and shall be so located to be easily accessible for cleaning and inspection. Such clarifiers shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his sole expense.

(D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(E) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20% of the lower explosive limit (LEL) of the meter.

(F) Grease interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of wastewater containing excessive amounts of fats oils and grease that may cause or contribute to lateral or sanitary sewer overflows; except that such grease interceptors shall not be required for residential users. All grease interceptors shall be of type and capacity approved by the City Manager and shall be so located to be easily accessible for cleaning and inspection. Grease interceptors shall be installed in accordance with the provisions of this chapter. Such grease interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his sole expense.

(1) Users that are required to have a grease interceptor may be required to connect the following fixtures to the grease interceptor, if they are present.

- (a) Pot sinks or similar devices, including all compartments of a three compartment sink;
- (b) Pre-rinse sinks or similar devices;
- (c) Prep sinks or similar devices;
- (d) Soup kettles or similar devices;
- (e) Wok stations or similar devices;
- (f) Drains in areas where floor mats are washed;

(g) Any other fixtures or drains that have a reasonable potential to allow fats, oils and grease to be discharged to the POTW.

(2) Users with food waste disposal units shall connect the unit to a grease interceptor with a minimum capacity of 1000 gallons or remove the unit.

(3) Users with dishwashers and mop sinks shall connect them directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.

(4) Accumulated grease and sediment shall be removed as necessary to prevent lateral or sanitary sewer overflows. At a minimum single chamber grease interceptors shall be cleaned in accordance with the manufacturer's specifications, or when the combined depth of sediment and grease equals or exceeds 25% of the total depth of the sediment, water, and grease. Multiple chamber grease interceptors shall be cleaned in accordance with the manufacturer's specifications, or when the combined depth of sediment and grease in the final chamber equals or exceeds 25% of the total depth of the sediment, water, and grease in that chamber, or when the combined depth of sediment and grease in any chamber equals or exceeds 50% of the total depth of the sediment, water, and grease in that chamber.

(5) Grease interceptors shall be kept free of non-food waste including, but not limited to grit, rocks, gravel, eating utensils, cigarettes, trash, towels, and rags.

(6) The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction in the grease interceptor is prohibited.

(7) If the City Manager determines that a grease interceptor is not being adequately maintained, a correction notice may be issued requiring the deficiency be corrected within seven, fourteen, or thirty days. Maintenance programs including BMP's and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.

('63 Code, § 5-5.302) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.037 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

The City Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(A) Description of discharge practices including non-routine batch discharges.

(B) Description of stored chemicals.

(C) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 50.020 of this chapter.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(E) Procedures for immediately notifying the POTW of any changes affecting the potential for a slug discharge.

('63 Code, § 5-5.303) (Ord. 571-C.S., passed 6-2-94)

§ 50.038 TENANT RESPONSIBILITY.

Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. This provision is enforceable against either the owner, or the tenant or both, without regard to any contractual arrangements as between the owner and tenant.

('63 Code, § 5-5.304) (Ord. 571-C.S., passed 6-2-94)

§ 50.039 HAULED WASTEWATER.

(A) Septic tank waste of residential origin may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager, provided such wastes do not violate the provisions of this chapter or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by and at the discretion of, the City Manager, based on the interests and purposes to be served under this chapter.

(B) The discharge of hauled industrial wastes is prohibited without prior approval and a wastewater discharge permit from the city.

(C) Fees for dumping septage will be established as part of the industrial user fee system as authorized in this chapter.

('63 Code, § 5-5.305) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.040 GREASE HAULER PERMIT REQUIRMENTS

Any person collecting, pumping or hauling waste kitchen grease generated at businesses located within the City of Eureka shall apply for and obtain a “grease hauler permit” from the City before engaging in that activity. The City Manager shall approve, deny, or approve with special conditions all applications for grease hauler permit. It shall be unlawful for any grease hauler to operate within the City limits without a current grease hauler permit.

§ 50.041 GREASE HAULER PERMIT APPLICATION

(A) *Contents.* All grease haulers required to have a grease hauler permit must submit a completed permit application. Incomplete or inaccurate applications will not be processed and will be returned to the grease hauler for revision.

(B) *Application signatories and certification.* All grease hauler permit applications and grease hauler reports must contain the certification statement, described in Section 50.052 (B) of this chapter, and be signed by an authorized representative of the grease hauler.

(C) The City Manager will evaluate the data furnished by the grease hauler and may require additional information. Within 45 days of receipt of a complete grease hauler permit application, the City Manager will determine whether or not to issue a grease hauler permit. If no determination is made within this time period, the application will be deemed denied. The City Manager may deny any application for a grease hauler permit based on insufficient information or information indicating a risk to the City's POTW might result from the activity as proposed.

§ 50.042 GREASE HAULER PERMIT REISSUANCE

(A) Grease hauler permits shall be valid for a period of two (2) years and will expire two years from the date of issuance.

(B) A grease hauler shall apply for permit renewal by submitting a complete grease hauler permit application in accordance with §50.040 of this chapter a minimum of 45 days prior to the expiration of the grease waste hauler's existing grease hauler permit.

§ 50.043 GREASE HAULER PERMIT CONTENTS

Grease hauler permits shall include such conditions as are reasonably deemed necessary by the City Manager to ensure that the collection of waste kitchen grease within the City limits is being conducted in accordance with applicable federal state and local laws. At a minimum, the grease hauler permits shall contain the following conditions:

(A) A statement that indicates grease hauler permit issuance and expiration date.

(B) Reporting, notification and record keeping requirements.

§ 50.044 GREASE HAULER PERMIT APPEALS.

Any grease hauler, may petition the City to reconsider the terms of, or the denial of a grease hauler permit within ten days of its denial or issuance subject to the following conditions:

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the grease hauler permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the grease hauler permit.

(C) The effectiveness of the grease hauler permit shall not be stayed pending the appeal process.

(D) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such city action, file a written appeal to the Eureka City Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Eureka City Council shall make a final ruling on the appeal within ten days after the close of the hearing on the appeal.

§ 50.045 GREASE HAULER PERMIT MODIFICATION

(A) The City Manager may modify any grease hauler permit at any time, based on good cause, which shall include, but is not limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) For a violation of any terms or conditions of the grease hauler permit;

(3) For misrepresentations or failure to fully disclose all relevant facts in the grease hauler permit application or in any required reporting.

(4) To correct typographical or other errors in the grease hauler permit;

(B) The filing of a request by the permittee for a grease hauler permit modification does not stay any grease hauler permit condition.

§ 50.046 REVOCATION OF PERMIT.

(A) Grease hauler permits may be revoked for the following reasons:

(1) Misrepresentation or failure to fully disclose all relevant facts in the grease hauler permit application;

(2) Falsifying reports;

- (3) Failure to pay fines;
- (4) Failure to meet compliance schedules;
- (5) Failure to complete a grease hauler survey or the grease hauler permit application.
- (6) Failure to provide advance notice of the transfer of a permitted facility;
- (7) Violation of any pretreatment standard or requirement, or any terms of the grease hauler permit or this ordinance.

(B) Grease hauler permits are nontransferable, and shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All grease hauler permits are void upon the issuance of a new grease hauler permit.

WASTEWATER DISCHARGE PERMIT

§ 50.050 WASTEWATER SURVEY.

When requested by the City Manager, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in section 50.999 below.

('63 Code, § 5-5.401) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.051 WASTEWATER DISCHARGE PERMIT REQUIREMENTS.

(A) *Requirement.*

(1) It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the City Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(2) The City Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

('63 Code, § 5-5.402)

(B) *Existing connections.* Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 45 days after said date, apply to the city for a wastewater discharge permit in accordance with § 50.052(A) of this chapter, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the city. ('63 Code, § 5-5.403)

(C) *New connections.* Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin. ('63 Code, § 5-5.404)

(D) *Extra jurisdictional industrial users.* The City may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user. ('63 Code, § 5-5.405)

(Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.052 WASTEWATER DISCHARGE PERMIT APPLICATION.

(A) *Contents.* All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The City Manager shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision. ('63 Code, § 5-5.406)

(B) *Application signatories and certification.* All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(C) *Misleading, incomplete or false information.* Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law.

('63 Code, § 5-5.407)

(Ord. 571-C.S., passed 6-2-94)

§ 50.053 WASTEWATER DISCHARGE PERMIT DECISIONS.

The City Manager will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the City Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager may deny any application for a wastewater discharge permit.

('63 Code, § 5-5.408) (Ord. 571-C.S., passed 7-2-94)

§ 50.054 DURATION OF PERMIT; REISSUANCE.

(A) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the City Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire. ('63 Code, § 5-5.501)

(B) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with § 50.051(A) of this chapter a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit. ('63 Code, § 5-5.507)

(Ord. 571-C.S., passed 6-2-94)

§ 50.055 PERMIT CONTENTS.

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

(A) Wastewater discharge permits shall contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits including Best Management Practices applicable to the user based on applicable standards in federal, state, and local law.

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or local law.

(5) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(6) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(B) Wastewater discharge permits may contain, but need not be limited to the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(9) Other conditions as deemed appropriate by the City Manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

('63 Code, § 5-5.502) (Ord. 571-C.S., passed 6-2-94)

§ 50.056 APPEALS.

Any person, including the industrial user, may petition the city to reconsider the terms of a wastewater discharge permit within ten days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(D) If the city fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such city action, file a written appeal to the Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within ten days after the close of the meeting.

('63 Code, § 5-5.503) (Ord. 571-C.S., passed 6-2-94)

§ 50.057 PERMIT MODIFICATION

(A) The City Manager may modify the wastewater discharge permit with good cause including, but limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) To address information indicating that permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(5) For a violation of any terms or conditions of the wastewater discharge permit;

(6) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;

(7) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

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

('63 Code, § 5-5.504) (Ord. 571-C.S., passed 6-2-94)

§50.058 TRANSFER OF PERMIT.

(A) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days advance notice to the City Manager and the City Manager approves in writing to the wastewater discharge permit transfer. The notice to the City Manager must include a written certification by the new owner and/or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(2) Identifies the specific date on which the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

('63 Code, § 5-5.505) (Ord. 571-C.S., passed 6-2-94)

§ 50.059 REVOCATION OF PERMIT.

(A) Wastewater discharge permits may be revoked for the following reasons:

(1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide notification to the city of changed condition pursuant to § 50.074 of this chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the city timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of a permitted facility;
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

(B) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

('63 Code, § 5-5.506) (Ord. 571-C.S., passed 6-2-94)

REPORTING REQUIREMENTS

§ 50.070 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in division (B) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in division (B) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) *Identifying information.* The name and address of the facility including the name of the operator and owners.

(2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants.*

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in § 50.080 of this chapter. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User shall submit documentation as required by the City Manager.

(c) Sampling must be performed in accordance with procedures set out in § 50.079(A) of this chapter.

(6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out § 50.052(A)(14) of this chapter.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 50.052(B) of this chapter.

('63 Code, § 5-5.601) (Ord. 571-C.S., passed 6-2-94)

§ 50.071 COMPLIANCE SCHEDULE PROGRESS REPORT.

The following conditions shall apply to the schedule required by § 50.070 of this chapter. The schedule shall contain progress increments 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 (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the

industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager.

('63 Code, § 5-5.602) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.072 REPORT ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in § 50.070(B)(4) - (6) of this chapter. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 50.052(B) of this chapter.

('63 Code, § 5-5.603) (Ord. 571-C.S., passed 6-2-94)

§ 50.073 PERIODIC COMPLIANCE REPORTS.

(A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution preventative alternative, the user must submit documentation required by the City Manager or the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with § 50.052(B) of this chapter.

(B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(C) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in § 50.079(A) of this chapter, the results of this monitoring shall be included in the report.

('63 Code, § 5-5.604) (Ord. 571-C.S., passed 6-2-94)

§ 50.074 REPORTS OF CHANGED CONDITIONS.

Each industrial user is required to notify the City Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(A) The City Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(B) No industrial user shall implement the planned changed conditions until and unless the City Manager has responded to the industrial user's notice.

(C) For purposes of this requirement, flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

('63 Code, § 5-5.605) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.075 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge including, but not limited to, accidental discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the City Manager, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(C) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this chapter.

(D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (A) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(E) Significant Industrial Users are required to notify the City Manager immediately of any changes that would affect the Users potential for a slug discharge.

('63 Code, § 5-5.606) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.076 REPORTS FROM NONSIGNIFICANT INDUSTRIAL USERS.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the City Manager may require.

('63 Code, § 5-5.607) (Ord. 571-C.S., passed 6-2-94)

§ 50.077 NOTICE OF VIOLATION; REPEAT SAMPLING AND REPORTING.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

('63 Code, § 5-5.608) (Ord. 571-C.S., passed 6-2-94)

§ 50.078 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the names of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this division (A) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 50.074 of this chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of §§ 50.070, 50.072 and 50.073 of this chapter.

(B) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(C) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(D) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State Law.

('63 Code, § 5-5.609) (Ord. 571-C.S., passed 6-2-94)

§ 50.079 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

('63 Code, § 5-5.610) (Ord. 571-C.S., passed 6-2-94)

§ 50.080 SAMPLE COLLECTION; DETERMINATION OF NONCOMPLIANCE.

(A) *Sample collection.*

(1) Except as indicated in subsection (2) of this division (A), the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 50.070 and 50.071 of this chapter a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager may authorize a lower minimum. For the reports required by Section 50.073 the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

('63 Code, § 5-5.611)

(B) *Determination of noncompliance.* The City Manager may use a grab samples to determine noncompliance with pretreatment standards. ('63 Code, § 5-5.612)

(Ord. 571-C.S., passed 6-2-94)

§ 50.081 RECORD KEEPING.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter, including documentation associated with Best Management Practices. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager.

('63 Code, § 5-5.613) (Ord. 571-C.S., passed 6-2-94)

CONNECTIONS TO POTW

§ 50.090 PERMITS REQUIRED.

(A) No person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the POTW or appurtenance thereof without first obtaining a permit from the Building Official in accordance with the provisions of the Uniform Plumbing Code adopted by § 150.023. ('63 Code, § 5-5.1601)

(B) All excavations for building sewers in public streets and easements shall require a permit from the city pursuant to the provisions of §§ 98.15 - 98.20 of this code, in addition to the permit required by the provisions of this chapter. ('63 Code, § 5-5.1602)

(Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.091 CONNECTION FEES AND INSTALLATION CHARGES.

(A) *Connection fees.* Any person, prior to connecting a building sewer to the POTW, shall be required to pay a connection charge in addition to any other charges and fees required by the provisions of the Uniform Plumbing Code and this chapter. The connection charge for such parcels shall be \$2,000 for each separate and individual connection.

(B) *Installation charge.*

(1) Installations of building sewers shall be made by the city from the sewer main to the property line by appropriate methods at the expense of the applicant.

(2) An applicant for a new sewer installation shall advance a sum to the city based upon an estimate by the City Manager of the total cost of all labor, materials, equipment, and other costs incidental to the installation, plus 20% for general overhead, for the installation of the building sewer from the sewer main to the property line.

(3) In lieu of the advance required by the provisions of this section, the City Manager may require applicants for new sewer installation to make such sewer installation at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for the installation shall be furnished by the applicant.

('63 Code, § 5-5.1603) (Ord. 571-C.S., passed 6-2-94) [Penalty, see § 50.999](#)

§ 50.092 MAINTENANCE OF BUILDING SEWERS.

All users shall keep, operate, and maintain their building sewer connections, including that portion thereof within a public right-of-way, in good order and condition and free of roots, grease, sand, and other nonstructural related obstructions and shall be liable for damages which may result from their failure to do so. Upon the final acceptance by the city of the work of the installation of that portion of the building sewer within the public right-of-way, the city shall assume the responsibility for the repair or replacement of said portion of the building sewer which is necessitated or caused by any subsequent structural failure, except to the extent that the failure is the result of latent defects or misrepresented work or conditions upon acceptance. The city shall have the sole authority to determine whether an obstruction in a building sewer is the result of structural or nonstructural cause. The city shall be admitted at all reasonable hours to all parts of any premises connected with the sewerage system for the purpose of checking the fixtures and the establishment of service charges as provided in this chapter.

('63 Code, § 5-5.1604) (Ord. 571-C.S., passed 6-2-94)

§ 50.093 MAIN EXTENSIONS.

(A) *Extensions required.*

(1) An applicant for a permit to connect a premises to the POTW where the property upon which such premises is situated does not abut the POTW, shall deposit with the city the following sums: in the case of all applications for a new sewer main extension, a sum shall be advanced to the city based upon an estimate by the City Manager of the total costs of all labor, materials, equipment, and other costs incidental to the main extension, plus 20% for general overhead, but excluding the cost of over-sizing sewer mains for the general benefit of the sewer collection system, but in no event shall the charge be less than \$500.

(2) In lieu of the advance required by the provisions of this division (A), the City Manager may require applicants for new sewer connections to make such sewer connections at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for such connections shall be furnished by the applicants.

(3) In cases where a property is connected to the POTW indirectly via connection to another property's lateral ("cross-connected sewer lateral"), the City Manager may order the owner of the property to go through the process set out in part one above and complete the installation of a separate connection. This process shall be required when, in the professional opinion of the City Manager and his public works professionals, a modern direct connection is necessary to prevent backups, overflows, update decayed or vulnerable lateral lines, or presents any other threat to the health and safety of the immediately adjacent properties, neighborhood, or POTW.

('63 Code, § 5-5.1701)

(B) *Extensions by the applicant.* In lieu of the advances required by the provisions of division (A) of this section, the City Manager may require applicants for new sewer connections to make such sewer main extensions at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for the extension shall be furnished by the applicant. Any extra costs incurred by the applicant in any over-sizing of sewer mains required by the City Manager for the general benefit of the sewer collection system may be reimbursed by the city in accordance with a written agreement with the applicant entered into prior to the construction of such main extension. ('63 Code, § 5-5.1702)

(C) *Low-pressure sewer manifold agreements.* The Director of Public Works, where it is determined the installation of low-pressure sewer manifold system is necessary to provide sewer service to a specific area, shall establish a reimbursement agreement to provide for the design and installation of said system. The reimbursement agreement shall require a surcharge be assessed to each parcel connecting to the manifold system. The surcharge shall consist of an equal portion of the estimated costs to design and install the total system main extension. The surcharge shall be based on a review and agreement prepared by the Director of Public Works prior to the installation of the system. Services (laterals) off the main will be at each parcel owner's expense. ('63 Code, § 5-5.1703)

(Ord. 571-C.S., passed 6-2-94)

RATES AND CHARGES

§ 50.105 WASTEWATER VOLUME DETERMINATION.

(A) *Metered water supply.* User charges which are based on wastewater volumes shall be applied against the total amount of water used from all sources unless, in the opinion of the city, significant portions of water received are not discharged to the POTW. The total amount of water used from public and private sources shall be determined by means of public meters or private meters installed and maintained at the expense of the user and approved by the city. ('63 Code, § 5-5.1401)

(B) *Metered wastewater volume and metered diversions.* For users where, in the opinion of the city, a significant portion of the water received from any metered source does not discharge to the POTW because of the principal activity of the user or removal by other means, the user charges and fees may be applied against the volume of water discharged from such premises into the POTW.

Written notification and proof of the diversion of water shall be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the city and at the user's expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Manager. ('63 Code, § 5-5.1402)

(C) *Estimated wastewater volume.*

(1) For users where, in the opinion of the city, it is unnecessary or impractical to install meters, the user charges and fees may be based upon a volume estimate prepared by the user and approved by the city. Such estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

(2) For users who, in the opinion of the city, divert a significant portion of their flow from the POTW, the user charges and fees may be based upon a volume estimate prepared by the user and approved by the city. The estimate shall include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

('63 Code, § 5-5.1403)

(Ord. 571-C.S., passed 6-2-94)

§ 50.106 PRETREATMENT CHARGES AND FEES.

The Council may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications.

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.

(C) Fees for reviewing and responding to accidental discharge procedures and construction.

(D) Fees for filing appeals.

(E) Other fees as the city may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

('63 Code, § 5-5.1501) (Ord. 571-C.S., passed 6-2-94)

§ 50.107 WASTEWATER USER CHARGES.

(A) *Classification of users.* All users shall be classified by assigning each one to a “user classification” category according to the principal activity conducted on the user's premises and based on the typical wastewater constituents and characteristics for that type of user as determined by the city. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control and to establish recovery of the city costs. ('63 Code, § 5-5.1801)

(B) *User charges.* A schedule of wastewater charges and fees shall be adopted from time to time by ordinance of the City Council. ('63 Code, § 5-5.1802)

(C) *Compliance with state regulations.* The charges and fees shall be established at a level which will enable the city to comply with any revenue requirements of the State Clean Water Grant Program, and the charges and fees shall be determined in a manner consistent with regulations of the grant program. ('63 Code, § 5-5.1803)

(D) *Special situations.* Notwithstanding any other provision of this chapter, the Council shall have the power to establish by ordinance, or by agreement with the user, the service connection charge and the monthly sewer service charges applicable to any public corporation, political subdivision, city, county, district, the state, the United States, or any department or agency thereof, or to any user outside the city limits at rates different from those set forth in this chapter. ('63 Code, § 5-5.1804)

(Ord. 571-C.S., passed 6-2-94)

§ 50.108 BILLING; PERSONS RESPONSIBLE FOR PAYMENT.

(A) *Billing.*

(1) All sewer service charges shall become due and payable to the city as of the date of billing. All sewer service charges shall become delinquent 30 days from and after the date of billing. All bills delinquent 30 days or more shall be subject to a 1% per month finance charge.

(2) All bills for such charges shall be issued by the Director of Finance. They shall be combined with bills or statements for water services where the premises in question are connected to the water system. The bills shall state their purpose (water and sewer services) and shall list separately the charge for water service and the charge for sewer service and the total charge for both services. Neither charge may be paid separately from the other. If the real property with sewer service is not connected to the water system, a separate bill shall be rendered for sewer service only. All bills shall be for monthly or bimonthly periods. The Director of Finance shall have the power to require any user to pay bills monthly if, in his discretion, monthly payments are required for the protection of the city.

('63 Code, § 5-5.1805)

(B) *Persons responsible for payment.* All sewer service charges shall be billed to the following persons:

(1) In the case of any person whose premises are connected with the water system, to the person who requested such connection to the water system, or his successor in interest, or to any person requesting that such bill be charged to him; or,

(2) In the case of any person whose premises are not connected to the water system, then to the person who requested such connection to the sewage works, or his successor in interest, or, if no such request was made, then to the owner of such premises on the date on which such premises are required by the provisions of this chapter to connect to the sewage works, or to the successor in interest to such person, or to any person requesting that such bill be charged to him.

('63 Code, § 5-5.1806)

(Ord. 571-C.S., passed 6-2-94)

§ 50.109 PENALTY FOR NONPAYMENT.

If an invoice for the sewer use charge established by this chapter is unpaid 60 days after mailing, a penalty of 10% per month shall be charged, and an additional 0.5% shall be charged until the charges and penalties are paid in full.

('63 Code, § 5-5.1807) (Ord. 571-C.S., passed 6-2-94)

§ 50.110 PROPERTY LIENS FOR DELINQUENCIES.

At least every six months, the Director of Finance shall record with the county a list of all delinquent charges and the penalties thereon and shall include in each such list the amount of each charge and the penalty thereon, a description of the real property upon which the same is a lien, and the name of the city. Such list when so recorded shall have the force, effect, and priority of a judgment lien and continue for three years after the time of recording unless sooner released or otherwise discharged.

('63 Code, § 5-5.1808) (Ord. 571-C.S., passed 6-2-94)

ADMINISTRATION AND ENFORCEMENT

§ 50.120 DUTIES OF CITY MANAGER.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other city personnel.

('63 Code, § 5-5.102) (Ord. 571-C.S., passed 6-2-94)

§ 50.121 COMPLIANCE MONITORING.

(A) *Inspection and sampling.* The City Manager shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the city, state, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(2) The city, state, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment 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 the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City Manager and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

(5) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter.

(6) 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 agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the city, unless a time extension is otherwise granted by the city.

('63 Code, § 5-5.701)

(B) *Search warrants.* If the City Manager has been refused access to a building, structure, or property or any part thereof, and if the City Manager has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may

be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. ('63 Code, § 5-5.702)

(Ord. 571-C.S., passed 6-2-94)

§ 50.122 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation which the city determines will adversely affect the operation or implementation of the local pretreatment program.

('63 Code, § 5-5.901) (Ord. 571-C.S., passed 6-2-94; Am. Ord. 681-C.S., passed 7-6-04)

§ 50.123 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) *Notification of violation.* Whenever the City Manager finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said person a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the City Manager. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(B) *Consent Orders.* The City Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Person responsible for noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections § 50.123 (D) and § 50.123 (E) of this ordinance and shall be judicially enforceable.

(C) *Show Cause Hearing.* The City Manager may order a Person which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the Person as defined in Section 50.002 and required by Section § 50.052 (B). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Person.

(D) *Compliance Orders.* When the city finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(E) *Cease and desist orders.*

(1) When the City Manager finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(a) Immediately comply with all requirements;

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

(2) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(F) *Administrative fine.*

(1) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(2) Assessments may be added to the person's next scheduled sewer service charge and the City Manager shall have such other collection remedies as may be available for other service charges and fees.

(3) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(4) Persons desiring to dispute such fines must file a written request for the City Manager to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager shall convene a hearing on the matter within 30 days of receiving the request from the industrial person. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial person. The city may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(G) *Emergency suspensions.*

(1) The City Manager may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the city that the

period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(b) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager, prior to the date of any show cause or termination hearing as set forth in this chapter.

(2) Nothing in this division (E) shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(H) *Termination of discharge.*

(1) In addition to those provisions in § 50.059 of this chapter, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;
- (e) Violation of the pretreatment standards in §§ 50.020 through 50.025 of this chapter.

(2) Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken.

('63 Code, §§ 5-5.1001 - 5-5.1006) (Ord. 571-C.S., passed 6-2-94)

§ 50.124 JUDICIAL ENFORCEMENT REMEDIES.

(A) *Injunctive relief.* Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the city may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation. ('63 Code, § 5-5.1101)

(B) *Civil penalties.*

(1) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the city may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person.

('63 Code, § 5-5.1102)

(Ord. 571-C.S., passed 6-2-94)

§ 50.125 SUPPLEMENTAL ENFORCEMENT ACTION.

(A) *Water supply severance.* Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply. ('63 Code, § 5-5.1201)

(B) *Public nuisances.* Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable state and city codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the city of any costs incurred in removing, abating or remedying said nuisance.

('63 Code, § 5-5.1202) (Ord. 571-C.S., passed 6-2-94)

§ 50.126 REMEDIES NON-EXCLUSIVE.

The provisions in §§ 50.122 through 50.125 of this chapter are not exclusive remedies. The City reserves the right to take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

('63 Code, § 5-5.1104) (Ord. 571-C.S., passed 6-2-94)

§ 50.127 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) *Upset.*

(1) For the purposes of this section, *UPSET* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (3) of this division (A) are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the industrial user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(c) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

1. A description of the indirect discharge and cause of noncompliance.

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

('63 Code, § 5-5.1301)

(B) *Bypass.*

(1) (a) *BYPASS* shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

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

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this division (B).

(3) (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) (a) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

3. The industrial user submitted notices as required under subsection (3) of this division (B).

(b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (4)(a) of division (B).

('63 Code, § 5-5.1302) (Ord. 571-C.S., passed 6-2-94)

§ 50.999 PENALTY.

(A) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(B) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(D) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.

('63 Code, § 5-5.1103) (Ord. 571-C.S., passed 6-2-94)