

CHAPTER 949

Industrial Pretreatment Regulations and Administrative Procedures

949.01 General provisions.

949.02 Definitions.

949.03 Regulations.

949.04 Fees.

949.05 Administration.

949.06 Enforcement.

949.07 Reserved.

949.08 Records retention.

949.09 Miscellaneous.

949.10 Severability.

949.11 Conflict.

949.99 Penalty.

Appendix A: Priority Pollutants.

CROSS REFERENCES

Water sewers - see Ch. 941

Sanitary sewers systems - see Ch. 942

Sewer rules and regulations - see Ch. 943

STATUTORY REFERENCES

Management and control of sewerage system - see Ohio R.C. 729.50

949.01 GENERAL PROVISIONS.

(a) Purpose and Policy. This chapter sets forth uniform requirements for discharges into the City wastewater collection and treatment system and enables the City to protect public health in conformity with all applicable local, State and Federal laws relating thereto. The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system in such a way that will prevent the City's compliance with requirements of their NPDES discharge permit or contaminate the resulting municipal sludge; and

(2) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

(b) This chapter provides for the regulation of discharges into the City wastewater system through the enforcement of permits. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the POTW or the costs associated with the construction of collection and treatment systems used by industrial discharges, in proportion to their use of the POTW, which are the subject of separate enactments.

(c) *Existing sewer use ordinances to remain in effect.* Unless otherwise specifically stated in the text, all existing sewer use ordinances shall remain in effect.

(Ord. 93-17, passed 2-22-93.)

949.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

ACT. The Clean Water Act (33 U.S.C. 1251 et seq.), as amended; as well as any guidelines, limitations, definitions and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.

APPLICABLE PRETREATMENT STANDARD. Any pretreatment limit or prohibitive standard (Federal and/or local) contained in this chapter deemed to be the most restrictive which nondomestic users shall be required to comply with.

APPROVAL AUTHORITY. The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program. The State of Ohio is an NPDES state with an approved State Pretreatment Program.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE DISCHARGER may be:

(a) If the discharger is a corporation:

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

(2) The manager of one or more manufacturing, production, or operating 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, initiates and directs 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 regulations; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the discharger is a partnership or sole proprietorship; a general partner or proprietor respectively.

(c) If the discharger is a Federal, State, or local governmental facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs 1 through 3, above, may designate a Duly 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 authority.

AVERAGE MONTHLY DISCHARGE LIMITATION. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

AVERAGE WEEKLY DISCHARGE LIMITATION. The highest allowable average of "daily discharges" over a calendar week calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

BENEFICIAL USES. Includes, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible, as specified by State or Federal law.

BEST MANAGEMENT PRACTICES (BMP). The schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 949.03 (a). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BYPASS. The intentional diversion of wastestream from any portion of a discharger's treatment facility.

CITY. The City of Mason who shall be the governmental entity enacting and enforcing this chapter.

COMPATIBLE POLLUTANTS. Pollutants which the treatment plant was designed to treat which are BOD, SS, Phosphorus and fecal coliform bacteria.

COMPLIANCE DATE. The date set for completion of the compliance schedule issued with the permit.

COMPOSITE SAMPLE. A sample containing a minimum of eight discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

DAILY DISCHARGE. The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.

DISCHARGER. Any user which discharges wastewater into the POTW by mean of pipes, conduits, pumping stations, force mains and all constructed devices and appliances appurtenant thereto.

EASEMENT. An acquire land right of the specific use of land owned by others.

GARBAGE. Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

GRAB SAMPLE. A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

GROUND (SHREDDED) GARBAGE. Garbage that is shredded to such a degree that all particles shall be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half inch in dimension.

INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) and (c) of the Act, being 33 U.S.C. Section 1317 (b) and (c), into a POTW.

INDUSTRIAL USER. Any industrial or commercial manufacturing or processing facility that discharges industrial waste to a POTW.

INDUSTRIAL WASTE. Any solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

INDUSTRIAL WASTE PERMIT. A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW.

INFLUENT. The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

INTERFERENCE.

- (1) An industrial discharge which, alone or in conjunction with discharges by other sources, both:
 - A. Inhibits or disrupts the publicly owned treatment works, its treatment process or operations, or its sludge processes, use or disposal; and.
 - B. Therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge disposal.
- (2) The term includes prevention of sewage sludge use or disposal by the POTW.

MAJOR SIGNIFICANT INDUSTRY. An industrial user that:

- (1) The user is subject to categorical pretreatment standards;
- (2) The user discharges 25,000 gallons per day or more of process wastewater (process wastewater excludes sanitary, noncontact cooling and boiler blowdown wastewaters);
- (3) The user contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant;
- (4) The user's discharge has a reasonable potential, in the judgment of the Superintendent, to cause pass through and/or interference at the POTW; or
- (5) The user's discharge into the POTW has caused or has the potential to cause any violation of the terms and conditions of any permit under which the POTW is operating, including plan approvals.

MAXIMUM DAILY DISCHARGE LIMITATIONS. The highest allowable "daily discharge".

MAY. Indicates a discretionary condition.

MINOR SIGNIFICANT INDUSTRY. An industrial user that:

- (1) Has wastewater flow of less than 25,000 gallons per average working day;

(2) Has flow less than five percent (5%) of the flow carried by the municipal system receiving the wastewater;

(3) Is found by the City, State of the U.S. Environmental Protection Agency (EPA) not to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system; and/or

(4) Discharges less quantities of BOD, COD, suspended solids or other substances compatible with the wastewater treatment plant operational processes.

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

NEW SOURCE. 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, being 33 U.S.C. Section 1317 (c) which shall be applicable to the source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) 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.

NON-SIGNIFICANT CATEGORICAL INDUSTRY. An industrial user that:

(1) Does not discharge more than one hundred (100) gallons per day of total categorical wastewater that does not include sanitary, non-contact cooling and boiler blowdown wastewater unless it is specifically included in the categorical pretreatment standard.

(2) Does not discharge untreated concentrated wastewater, which is regulated by categorical pretreatment standards

(3) Must submit an annual certification statement, with appropriate justification that indicates the facility:

A. Meets the requirements of a Non-significant Categorical Industrial user.

B. Is meeting all pretreatment standards and requirements, and

C. Did not discharge more than one-hundred gallons of total categorical wastewater on any day.

D. Include the following statements:

- a. Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR Part (*specify applicable part in 40CFR*), I certify that to the best of my knowledge and belief, during the period from (*specify month, day and year*) to (*specify month, day and year*):
- b. The facility described as (*insert facility name*) met the definition of a non-significant categorical industrial user as described in paragraph (P) of rule 3745-3-01 of the Ohio Administrative Code;
- c. The facility complied with all applicable pretreatment standards and requirements during the reporting period; and
- d. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information: Appropriate justification in support of this statement is required to be included with the certification statement. Appropriate justification may include water billing records, production records, etc.

- E. The Superintendent will evaluate whether the discharger meets the criteria for a non-significant categorical industrial user at least once a year. The evaluation will be documented on the appropriate form.

NON-SIGNIFICANT INDUSTRY. An industrial user that:

- (1) Has a wastewater discharge flow of less than 25,000 gallons per average working day;
- (2) Is found by the City, State or the U.S. Environmental Protection Agency (EPA) to have no impact on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system; and/or
- (3) Discharges normal domestic quantities of wastewater which are compatible with the wastewater treatment plant operational processes.

NPDES PERMIT. The National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Pub. Law No. 92-500, Section 402, being 33 U.S.C. Section 1342.

O AND M. Operation and maintenance.

OTHER WASTES. Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

PASS-THROUGH. A discharge which exits the POTW into waters of the State 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 POTW's NPDES permit including an increase in the magnitude or duration of a violation.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Ohio, the United States of America or other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

POLLUTANT. Any substance discharged into a POTW or its collection system, listed in Appendices A hereto, or any substance which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations or physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act, being 33 U.S.C. Section 1317(a).

POLLUTANT PARAMETERS.

(1) **BIOLOGICAL OXYGEN DEMAND (BOD) OF SEWAGE.** Sewage means sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(2) **CHEMICAL OXYGEN DEMAND (COD).** Sewage means sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

(3) **FECAL COLIFORM.** Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(4) **FLOATABLE OIL.** Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.

(5) **GREASE AND OIL.** A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures.

GREASES AND OILS are defined by the method of their determination in accordance with *Standard Methods*.

(6) **GREASES AND OIL OF ANIMAL AND VEGETABLE ORIGIN.** Substances that are not readily biodegradable in nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.

(7) **GREASES AND OIL OF MINERAL ORIGIN.** Substances that are less readily biodegradable than grease and oil of animal or vegetable origin; and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.

(8) **pH.** The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

(9) **SUSPENDED SOLIDS.** Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory

filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods".

(10) **TOTAL SOLIDS.** The sum of suspended and dissolved solids.

(11) **VOLATILE ORGANIC MATTER.** The material in the sewage solids transformed to gases or vapors when heated at 550°C for 15 to 20 minutes.

(12) Any other pollutant parameter deemed appropriate.

POLLUTION. An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW. Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(Ord. 93-17. Passed 2-22-93.)

PRETREATMENT STANDARDS AND/OR REQUIREMENTS. All applicable Federal, State and local standards and/or requirements related to pretreatment imposed on a discharger. Also referred to as **LOCAL LIMITS.**

(Ord. 93-77. Passed 7-12-93.)

RECEIVING STREAM. The watercourse, stream or body of water receiving the waters finally discharged from the POTW.

SEVERE PROPERTY DAMAGE. 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.

SEWAGE. Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWER. Any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

SIGNIFICANT NONCOMPLIANCE. Any significant industrial user that violates any of the following criteria or any other industrial discharger that violates paragraphs (3), (4) or (8):

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements for the same pollutant parameter taken during a six (6)-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in this chapter;

(2) Technical review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by this chapter multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) 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;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on adherence to compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best Management Practices (BMP), which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SHALL. Mandatory.

SLUDGE. Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Federal Act, being 33 U.S.C. Sections 1342 AND 1345, and in the applicable requirements under the Solid Waste Disposal Act, Pub. Law No. 94-580, Sections 3001, 3004 and 4004, being U.S.C. Sections 6921, 6924 and 6949.

SLUGLOAD. The discharge of any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will affect the collection system and/or performance of the wastewater treatment works and which will cause interference, as previously defined hereof, or pass through as previously defined in hereof.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SUPERINTENDENT. The Public Utilities Superintendent of the Municipality or his authorized deputy, agent or representative.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Pub. Law No. 92-500, Section 307(a), being 33 U.S.C. Sections 1317 (a).

TOXIC POLLUTANT. Those substances referred to in Section 307(a) of the Act, being 33 U.S.C. Sections 1317 (a), as well as any other known potential substances capable of producing toxic effects.

UNPOLLUTED WATER. Water of a quality that has not been altered chemically, physically, biologically or radiologically by man or that would benefit by discharge to sanitary sewers and subsequent wastewater treatment.

UPSET. An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter hereto due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation thereof.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY or EPA. The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

USER. Any person that discharges, causes or permits the discharge of wastewater into the POTW.

WASTEWATER. Industrial waste or sewage or any other waste that is discharged to the POTW.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS. The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 93-17. Passed 2-22-93.)

949.03 REGULATIONS.

(a) *General Discharge Prohibitions.*

(1) No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the POTW or otherwise to the facilities of the City:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using the test method specified in 40 C.F.R. Section 261.21;

B. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the POTW;

C. Any wastewater having a pH less than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system;

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in this chapter. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Appendix A hereto;

E. Any noxious, malodorous or toxic liquid, gases, vapors, fumes or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or may cause acute worker health and safety problems;

F. Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, being 33 U.S.C. Section 1345; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. Sections 6901 *et seq.*, the Clean Air Act, being 42 U.S.C. Sections 7401 *et seq.*, the Toxic Substances Control Act, being 15

U.S.C. Sections 2601 *et seq.*, Resource Conservation and Recovery Act, being 42 U.S.C. Sections 6901 *et seq.*, or state standards applicable to the sludge management method being used;

G. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;

H. Any wastewater having a temperature which will inhibit biological activity or cause structural damage in the POTW resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40° C (104° F);

I. Any slugload;

J. Any unpolluted water except such water as may be discharged to a sewer which is designated to carry storm water;

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentrations as exceed limits in compliance with applicable State or Federal regulations;

L. Any wastewater which causes a hazard to human life or creates a public nuisance;

M. Any petroleum oil, non-biodegradable cutting oil or products of mineral amounts that may pass through or cause interference; or

N. Hauled septic or industrial wastes except at locations and at times as designated by the Superintendent. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the Superintendent, or without the expressed written permission of the Superintendent, shall be considered a violation and shall be subject to enforcement action including fines and penalties subsequently described in Section 949.99.

(2) When the Superintendent determines that a discharger is contributing any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall: advise the discharger of the impact of the contribution on the POTW; and develop effluent limits for such discharger to correct the interference with the POTW.

(b) *Limitations on wastewater strength.*

(1) *National categorical pretreatment standards.* National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories. An application for modification of the national categorical pretreatment standards may be considered for submittal to the Regional Administrator by the Superintendent, when the City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 C.F.R. 403.7.

(2) *Right of revision.* The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 949.01(a).

(3) *Dilution.* No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. The Superintendent may impose mass limitations on

dischargers which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(4) *Supplementary limitations.* No discharger shall discharge or cause to be discharged into the sewerage system any of the following pollutants in concentrations above those specifically permitted in a wastewater discharge permit issued by the City. Discharge permits shall impose maximum discharge concentration or mass based limits where appropriate. In the absence of such specific wastewater discharge permit limitations, no person shall discharge any of the following pollutants above levels normally found in domestic sewage.

Ag	(silver)
As	(arsenic)
Cd	(cadmium)
CN	(free cyanide)
Cr	(total chromium)
Cr	(hexavalent chromium)
Cu	(copper)
Hg	(mercury)
	Grease and oil of animal, vegetable and/or mineral origin
Mo	(Molybdenum)
Ni	(nickel)
Pb	(lead)
	Phenols
Se	(Selenium)
Tl	(Thallium)
Zn	(zinc)

(5) *Best Management Practices (BMPs).* The authority may develop BMPs by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 949.03.

(c) *Accidental Discharges.*

(1) Each discharger shall provide protection from accidental discharge of prohibited or restricted materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense.

(2) The Superintendent shall evaluate whether each significant industrial user needs an accidental discharge / slug load discharge control plan or other action to control such discharges. The Superintendent may require any discharger to develop, submit for approval, and implement such a plan or take other action that may be necessary to control accidental or slug load discharges.

(3) An accidental discharge / slug load discharge control plan shall address, at a minimum, the following;

A. Description of discharge practices, including non-routine and batch discharges.

- B. Description of stored chemicals.
- C. Procedures for immediately notifying the authority of any accidental discharge or slug load discharge, as required in Section 949.03(c)(2)D.
- D. Procedures to prevent adverse impact from any accidental or slug load 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 runoff, employee training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response

(4) The Superintendent shall evaluate the need for a plan or structure to control a potential slug load discharge at least once per control mechanism cycle.

(5) Each existing discharger shall complete its plan and submit same to the Superintendent within 180 days after the effective date of this chapter. No discharger who discharges to the City POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Superintendent. Review and approval of such plans and operating procedures by the Superintendent shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(6) Dischargers shall verbally notify the Superintendent immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this chapter and shall submit a written notification letter to the Superintendent within five (5) working days. Both notifications shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law.

(7) Employers shall instruct all employees who may cause or discover a slug load or accidental discharge with respect to proper emergency notification procedures including the proper person to notify at the POTW.

(8) Dischargers must notify the Superintendent of any significant changes to the discharger's operations which might alter the nature, quality, or volume of the wastewater discharge, at least thirty (30) days before the change is implemented.

(d) *Bypass Not Violating Applicable Pretreatment Standards or Requirements.* A discharger 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 provisions of subsections (e) and (f) hereof.

(e) *Notice.*

(1) If a discharger knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, if possible at least ten days before the date of the bypass.

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

(f) *Prohibition of Bypass.*

(1) Bypass is prohibited, and the Superintendent may take enforcement action against a discharger for a bypass, unless:

A. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

B. 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 preventative maintenance; and

C. The discharger submitted notices as required under subsection (e) hereof.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determined that it will meet the three conditions listed in subsection (f)(1) hereof.

(Ord. 93-17. Passed 2-22-93.)

949.04 FEES.

(a) *Purpose.* It is the purpose of this section to provide for the payment of fees from dischargers to the City's POTW, to compensate the City for the cost of administration of the pretreatment program established herein.

(b) *Charges and Fees.* The City shall adopt charges and fees which may include:

(1) Fees for monitoring, inspections and surveillance procedures;

(2) Fees for reviewing accidental discharge procedures and construction;

(3) Fees for permit applications;

(4) Fees for filing appeals;

(5) Fees for sampling and laboratory analysis; and

(6) Fees for equipment.

(Ord. 93-17. Passed 2-22-93.)

949.05 ADMINISTRATION.

(a) *Wastewater Dischargers.* It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW without having first complied with the terms of this chapter and the wastewater discharge permit.

(b) *Wastewater Contribution Permits.*

(1) *General permits.* All existing major significant industries and minor significant industries connected to or contributing to the POTW shall apply for a wastewater discharge permit within a period established by the POTW, but not to exceed 180 days after the effective date of this chapter. All future industrial dischargers proposing to connect to or to contribute to the POTW shall apply for a wastewater discharge permit. If the Superintendent deems necessary, existing and future dischargers shall receive a permit before connecting to or contributing to the POTW.

(2) *Permit application.* Industrial dischargers required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City. Existing major significant industries and minor significant industries shall apply for a wastewater discharge permit within a period established by the POTW, but not to exceed ten days after the effective date of this chapter. Proposed new industrial dischargers shall apply at least ninety days prior to connecting to or contributing to the POTW. In support of the application, the industrial discharger shall submit, in units and terms appropriate for evaluation, the information which follows. If actual data are not known, the best available information should be given.

A. Name, address, location, owner and operator of the facility and any environmental control permits held by or for the facility;

B. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

C. Wastewater constituents and characteristics including but not limited to those mentioned in this chapter as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;

D. Time and duration of discharges;

E. Average daily and thirty-minute peak wastewater flow, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or non-feasibility;

F. A schematic process diagram which indicates points of discharge to the POTW from the regulated process;

G. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;

H. Where known, the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this chapter;

I. When additional pretreatment and/or O&M are required, a compliance schedule as subsequently defined in Section 949.06(i);

J. Average rate of production;

K. All sewers shall have an inspection and sampling manhole or structure accessible at all times to the City for use in sampling the industry's discharge to assure compliance with this chapter. Before the inspection and sampling structure is constructed, plans shall be reviewed and approved by the Superintendent.

L. The Superintendent shall evaluate the data furnished by the discharger. He may require additional information if the Superintendent finds that inadequate information was submitted by the discharger by submitting a written request to the discharger identifying the information required. This request shall be sent by certified mail within 30 days of the receipt by the Superintendent of the permit application. The information requested by the Superintendent shall be provided within 30 days of the receipt of the request by the discharger. After evaluation and acceptance of the data furnished, including detailed plans of facilities and operating procedures indicating the discharger has provided sufficient protection from accidental discharges of restricted materials, the Superintendent may issue a wastewater discharge permit subject to the terms and conditions provided herein. The Superintendent reserves the right to re-evaluate all dischargers at any time and require a permit to be issued. The Superintendent reserves the right to deny or condition new or increased contributions of pollutants for all dischargers at any time.

(3) *Permit modifications.*

A. The City reserves the right to amend this chapter and the terms and conditions thereof in order to assure compliance by the City with applicable laws and regulations.

B. Within 12 months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permits of discharges subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a discharger subject to a National Categorical Pretreatment Standard has not previously submitted an application as required by subsection (b)(2) hereof, the discharger shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, any discharger with an existing wastewater discharge permit shall submit to the City within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by subsection (b)(2)H. and I. hereof. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Existing sources which become dischargers subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing dischargers except where such sources meet the definition of a new source as defined in Section 949.02. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time, not to exceed ninety days, new sources shall meet all applicable pretreatment standards.

(4) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- A. Limits on the average and/or maximum wastewater constituents and characteristics;
- B. Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
- C. Requirements for installation and maintenance of inspection and sampling facilities;
- D. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- E. Compliance schedule;
- F. Requirements for submission of technical reports or discharge reports as outlined in subsection (c) hereof;
- G. Requirements for maintaining and retaining pretreatment facility records relating to wastewater discharge as specified by the City, and affording City access thereto;
- H. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system pursuant to subsection (i) hereof;
- I. Requirements for notification of slugload discharges pursuant to Section 949.03(c); and
- J. Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(5) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. All permit holders shall apply for permit reissuance a minimum of 180 days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 949.03 are modified or other just cause exists. The permit holder shall be informed of any proposed changes in its permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) *Permit transfer.* Wastewater discharge permits are issued to a specific industrial discharger for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new industrial discharger, different premises or a new or changed operation without the approval of the City. Any succeeding owner or industrial discharger shall also comply with the terms and conditions of the existing permit.

(c) *Reporting requirements for permittee.*

(1) *Baseline monitoring report.*

A. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category

determination submission under 40 C.F.R. 403.6(a)(4), whichever is later, any discharger subject to pretreatment standards and requirements and currently discharging or scheduled to discharge to the POTW shall submit to the Superintendent a report containing information as indicated in subsection (b)(2)A. through G. hereof, inclusive. The report shall state whether the applicable pretreatment standards requirements and/or Best Management Practices(BMPs) are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger.

B. At least 90 days prior to commencement of discharge, new sources and sources that become dischargers, subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Superintendent a report containing information as indicated in subsection (b)(2)A. through G. hereof, inclusive. New sources shall also be required to include in this report information on the method of pretreatment the discharger intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsection (b)(2)E. and G. hereof.

C. A minimum of four grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24 hour composite samples shall be obtained through flow-proportional composite sampling techniques where feasible. The Superintendent may waive flow-proportional composite sampling for any discharger that demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four grab samples where the discharger demonstrates that this shall provide a representative sample of the effluent being discharged.

(2) *Compliance date reports.*

A. 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 discharger subject to pretreatment standards and requirements shall submit to the Superintendent a report containing information as indicated in subsection (b)(2)D. through H. hereof, inclusive. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger.

B. For dischargers subject to equivalent mass or concentration limits established by the Superintendent in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the discharger's long term production rate. For all other dischargers 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 discharger's actual production during the appropriate sampling period. This statement shall be signed by an authorized representative of the discharger.

(3) *Periodic compliance reports.*

A. Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the City, shall submit to the Superintendent during the months of June and December, unless required more frequently by the Superintendent, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof.

B. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Superintendent may accept reports of average and maximum flows estimated by verifiable techniques.

C. The Superintendent may require the industrial user or discharger to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flow as determined to be necessary.

D. The City, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors may authorize the submission of such reports on months other than those specified above.

E. Reports from dischargers shall be signed by an "authorized representative of the discharger" and provide written certification stating whether the applicable pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance, and/or additional pretreatment is required for the discharger to meet the applicable pretreatment standards and requirements.

F. All sampling results obtained by the discharger shall be reported to the Superintendent including any sampling performed more frequently than required. Dischargers shall notify the Superintendent in writing within 24 hours of receiving the sampling results, if any sampling results violate applicable pretreatment limits. Discharger shall repeat the sampling and analysis for those parameters in violation and resubmit the results within thirty days of becoming aware of the violation.

G. If a violation is detected through sampling and analysis conducted by the City, in lieu of the industrial user, the City shall perform the repeat sampling and analysis within thirty (30) days of becoming aware of the violation, unless it notifies the discharger of the violation and requires the discharger to perform the repeat sampling and analysis.

H. Grab samples are required for pH, hexavalent chromium, free cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. All other pollutants will be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge is documented in the industrial user file.

I. For batch dischargers, multiple grab samples collected during a twenty four (24) hour period may be composited prior to the analysis as follows: for hexavalent chromium, free cyanide, total phenols and sulfides, the samples may now be composited in the field; for volatile organics and oil and grease, the samples may be composite in the laboratory. Protocols specified in 40 CFR, Part 136 and appropriate U.S. EPA guidance must be followed.

(4) *Reporting requirements for dischargers not subject to categorical pretreatment standards.* The Superintendent shall require appropriate reporting from

those dischargers with discharges that are not subject to categorical pretreatment standards.

(d) *Monitoring facilities.*

(1) Each discharger shall provide and operate at the discharger's own expense, a monitoring location to allow inspections, sampling and flow measurement of each sewer discharge to the City. Each monitoring location shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it shall not be obstructed by landscaping or parked vehicles.

(2) There should be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The structure shall be maintained at all times in a safe and accessible condition at the expense of the discharger.

(3) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of building permit by discharger.

(e) *Inspection and sampling.*

(1) The discharger shall allow the Superintendent or his authorized agent(s) to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination. The City shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(2) Where a discharger has security measures in force which would require proper identification and clearance before entry into their premises, the discharger shall make necessary arrangements with their security guards so that upon presentation of suitable identification, authorized personnel from the City shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(f) *Pretreatment.* Industrial dischargers shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the discharger's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures shall in no way relieve the discharger from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the discharger's initiation of the changes.

(g) *Confidential information.* Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other

governmental agency without restriction unless the discharger 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 or proprietary information of the discharger. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten day notification is given to the discharger.

(h) *Reporting requirements for city.*

(1) The City shall forward pertinent information regarding changes in the National Pretreatment Categorical Standards to industries affected.

(2) Industry shall also be adequately advised of changes to the City's Municipal Pretreatment Ordinance to permit industry compliance as outlined in subsection (b)(3) hereof.

(i) *Notification of changed discharge.* All dischargers shall promptly notify the Superintendent in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the discharger has submitted initial notification under 40 CFR 403.12(p).

(j) *Testing procedures.* All sampling and analyses required for baseline monitoring reports, ninety-day compliance reports and periodic compliance reports shall be performed in accordance with 40 CFR 136 methodology.

(k) *Signatory.* All reports required under this section shall include the certification statement as set forth in 40 CFR 403.6 (a)(2)(ii) and shall be signed by an authorized representative.

(Ord. 93-17. Passed 2-22-93.)

949.06 ENFORCEMENT.

(a) *Emergency suspension of service and discharge permits.* The City may for good cause shown suspend wastewater treatment service and/or a wastewater discharge permit to a discharger when it appears to the City that an actual or threatened discharge presents an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interference with the operation of the POTW or violation of any pretreatment limits imposed by this chapter. Any discharger notified of the suspension of the City's wastewater treatment service shall, within a reasonable period of time as determined by the City, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the City shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order.

(b) *Revocation of permit.* The City may terminate wastewater treatment service and/or a wastewater discharge permit for any discharger who fails to:

- (1) Factually report the wastewater constituents and characteristics of its discharge;
- (2) Report significant changes in wastewater constituents or characteristics; or
- (3) Permit reasonable access to the discharger's premises by representatives of the City for the purpose of inspection or monitoring; or who violates the conditions of this chapter, or any final judicial order entered with respect thereto.

(c) *Notification of violation; administrative adjustment.* Whenever the City finds that any discharger has engaged in conduct which justifies termination of wastewater treatment service, pursuant to subsection (a) or (b) hereof, the City shall serve or cause to be served upon such discharger, a written notice either personally, or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond in writing to the City, advising of its position with respect to the allegations. Within ten days of the response of the discharger, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.

(d) *Show cause hearing.*

(1) The City may order any industrial discharger who causes or allows an unauthorized discharge to enter the POTW to show cause before Council why the proposed enforcement action should not be taken. A notice shall be served on the industrial discharger specifying the time and place of a hearing to be held by Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the industrial discharger to show cause before Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(2) Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

- A. Issue in the name of Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- B. Take the evidence;
- C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to Council for action thereon.

(3) At any hearing held pursuant to this chapter, testimony taken shall be under oath and the hearing shall be recorded in the same manner as all public meetings of Council. Any person requesting a transcript of such hearing shall pay the cost thereof.

(4) After Council has reviewed the evidence, and within thirty days of the date of the hearing, it may issue an order to the industrial discharger responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances

shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) *Judicial proceedings.* Following the entry of any order by the City with respect to the conduct of a discharger contrary to the provisions of this chapter, the Law Director for the City may, following the authorization of such action by the City, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

(f) *Enforcement actions; annual publication.* At least annually, the Superintendent shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for the same pollutant parameter taken during a six (6)-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in this chapter;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by this chapter multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) the POTW has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on adherence to compliance schedules;

(7) Failure to accurately report noncompliance or;

(8) Any other violation(s) which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(g) *Right of appeal.* Any discharger or any interested party subject to or affected by an order or decision of the Superintendent or the City based on the provisions of this

chapter may appeal such order or decision within twenty days of such order or decision by filing with the Superintendent a written notice of appeal specifying the grounds upon which the appeal is being taken. Such appeal shall be heard by Council no sooner than ten days after its filing at the next regularly scheduled Council meeting. Each appeal shall be accompanied by the same fee as required to file an appeal with the Zoning, Housing and Building Appeals Board.

(h) *Operation Upsets.*

(1) Any discharger who experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the Superintendent thereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the City within five days. The report shall specify:

A. Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status;

B. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance continues, the time by which compliance is reasonably expected to occur; and

C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such upset or other conditions of noncompliance.

(2) A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter which arises out of violations alleged to have occurred during the period of the upset.

(i) *Schedule of Compliances.*

(1) Where additional pretreatment and/or operation and maintenance activities shall be required to comply with this chapter, the City may require as a binding and enforceable agreement a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard.

(2) The following conditions shall apply to this schedule:

A. The schedule shall contain completion dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.

B. Under no circumstances shall the Superintendent permit a time increment for any single step directed toward compliance which exceeds nine months.

C. Not later than fourteen days following each completion date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Superintendent, including no less than a statement as to whether or not it complied with the increment of progress represented by that completion date and, if not, the date on

which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Superintendent.

(Ord. 93-17. Passed 2-22-93.)

949.07 RESERVED

949.08 RECORDS RETENTION.

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

(Ord. 93-17. Passed 2-22-93.)

949.09 MISCELLANEOUS.

(a) *Removal credits.* The City reserves the right to initiate a program of removal credits as part of this chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR Part 403.7.

(b) *Net/gross calculations.* The City may reserve the right to adjust categorical pretreatment standards to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR 403.15.

(Ord. 93-17. Passed 2-22-93.)

949.10 SEVERABILITY.

If any provision, paragraph, word or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall continue in full force and effect.

(Ord. 93-17. Passed 2-22-93.)

949.11 CONFLICT.

All other ordinances and/or parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Ord. 93-17. Passed 2-22-93.)

949.99 PENALTY.

(a) *Civil penalties.* Any discharger who is found to have violated any provision of this chapter, their wastewater discharge permit, or any order of the City or court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to one thousand dollars (\$1,000) per violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the discharger.

(b) *Criminal penalties.* Any person, or persons, which intentionally or willfully violate any provision of this chapter, their wastewater discharge permit, or any order of the City or court of competent jurisdiction, or any person or persons that allow a violation to continue after becoming aware of such violation shall be punishable, upon conviction, by a criminal penalty of up to one thousand dollars (\$1,000) per day per violation and not more than six months in jail.

(c) *Recovery of costs incurred by the authority.* Any discharger violating any of the provisions of this chapter, the wastewater discharge permit, or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's POTW shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the discharger for the costs incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter or the wastewater discharge permit enforceable under the provisions of Section 949.06.

(d) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or the wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter or the wastewater discharge permit shall be deemed guilty of a first degree misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) and/or by imprisonment for not more than six months.

(e) *Injunctive relief.* Whenever an industrial user has violated or continues to violate this chapter, its wastewater discharge permit, or any order of the City or court of competent jurisdiction, the City may petition the court for the issuance of a preliminary or permanent injunction or both, as may be appropriate, to restrain or compel activities on the part of the industrial user.

(Ord. 93-77. Passed 7-12-93.)

APPENDIX A

Priority Pollutants

1. asbestos (fibrous)
2. cyanide (total)
3. antimony (total)
4. arsenic (total)
5. beryllium (total)
6. cadmium (total)
7. chromium (total)
8. copper (total)
9. lead (total)
10. mercury (total)
11. nickel (total)
12. selenium (total)
13. silver (total)
14. thallium (total)
15. zinc (total)
16. acenaphthene
17. acenaphthylene
18. acrolein
19. acrylonitrile
20. aldrin
21. anthracene
22. benzene

23. benzidine
24. benzo (a)anthracene
25. benzo (a)pyrene
26. 3,4-benzo (b) fluoranthene
27. benzo (g,h,i)perylene
28. benzo (k)fluoranthene
29. a-BHC (alpha)
30. b-BHC (beta)
31. d-BHC (delta)
32. g-BHC (gamma)
33. bis(2-chloroethyl)ether
34. bis(2-chloroethoxy)methane
35. bis(2-chloroisopropyl)ether
36. bis(2-ethylhexyl)phthalate
37. bromoform
38. bromomethane (methyl bromide)
39. 4-bromophenylphenyl ether
40. butylbenzyl phthalate
41. carbon tetrachloride
42. chlordane
43. chlorobenzene
44. chloroethane
45. 2-chloroethylvinyl ether

46. chloroform
47. chloromethane (methyl chloride)
48. 2-chloronaphtalene
49. 2-chlorophenol
50. 4-chlorophenylphenyl ether
51. chrysene
52. 4,4'-DDD
53. 4,4'-DDE
54. 4,4'-DDT
55. dibenzo(a,h)anthracene
56. dichlorobromomethane
57. 1,2-dichlorobenzene
58. 1,3-dichlorobenzene
59. 1,4-dichlorobenzene
60. 3,3-dichlorobenzidine
61. dichlorodibromomethane
62. 1,1-dichloroethylene
63. 1,2-dichloroethane
64. 1,1-dichloroethene
65. trans-1,2-dichloroethene
66. 2,4-dichlorophenol
67. 1,2-dichloropropane
68. (cis&trans)1,3-dichloropropene

69. dieldrin
70. diethyl phthalate
71. 2,4-dimethylphenol
72. diemethyl phthalate
73. di-n-butyl phthalate
74. di-n-octyl phthalate
75. 4,6-dinitro-o-cresol
76. 2,4-dinitrophenol
77. 2,4-dinitrotoluene
78. 2,6-dinitrotoluene
79. 1,2-diphenylhydrazine
80. endosulfan I
81. endosulfan II
82. endosulfan sulfate
83. endrin
84. endrin aldehyde
85. ethylbenzene
86. fluoranthene
87. fluorene
88. heptachlor
89. heptachlor epoxide
90. hexachlorobenzene
91. hexachlorobutadiene

92. hexachlorocyclopentadiene
93. hexachloroethane
94. indeno(1,2,3-cd)pyrene
95. isophorone
96. methylene chloride
97. naphthalene
98. nitrobenzene
99. nitrophenol
100. 4-nitrophenol
101. n-nitrosodimethylamine
102. n-nitrosodi-n-propylamine
103. n-nitrosodiphenylamine
104. PCB-1016
105. PCB-1221
106. PCB-1232
107. PCB-1242
108. PCB-1248
109. PCB-1254
110. PCB-1260
111. pentachlorophenol
112. perchlorometa cresol
113. phenanthrene
114. phenol

115. pyrene
116. 2,3,7,8-tetrachlorodi-benzo-p-dioxin
117. 1,1,2,2,-tetrachloroethane
118. tetrachloroethylene
119. toluene
120. toxaphene
121. 1,2,4-trichlorobenzene
122. 1,1,1-trichloroethane
123. 1,1,2-trichloroethane
124. trichloroethylene
125. 2,4,6-trichlorophenol
126. vinyl chloride

(Ord. 93-17. Passed 2-22-93.)