

## CHAPTER 5

### PLUMBING, WATER AND SEWERS

#### 5.00 PURPOSE, POLICY, OBJECTIVES.

This Ordinance sets forth uniform requirements for discharges into the Public Owned Treatment Works (POTW), Water Distribution system and Collection system of the City of Lapeer (City) and enables the City to protect public health in conformity with all applicable local, state, and federal laws relating thereto.

History: (Amnd 10-13-04;-)

**The objectives of this Ordinance are:**

- a) To prevent the introduction of pollutants into the POTW and City collection system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- b) To prevent the introduction of pollutants into the POTW and City systems 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;
- c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- d) To improve the opportunity to insure safe drinking water.

History: (Amnd 10-13-04;-)

The Ordinance provides for the regulation of discharge into the Public Owned Treatment Works and City collection systems and for the use, connection and maintenance of the Water Distribution System. This Ordinance does not provide for the recovery of operations, maintenance, or replacement costs of the Public Owned Treatment Works or the costs associated with the construction of collection and treatment systems used by industrial discharges, in proportion to their use of the Public Owned Treatment Works, which are the subject of separate Ordinances.

History: (Amnd 04-24-85; Amnd 10-13-04;-)

**5.01 ADOPTION BY REFERENCE.** There is hereby adopted by reference the Michigan Plumbing Code.

**(A) CHANGES IN CODE.** This section, and all changes and amendments to the prior Plumbing Code, are hereby deleted.

History: (Amnd 07-31-01;-)

## 5.02 DEFINITIONS.

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

**ALTERNATIVE DISCHARGE LIMIT.** Limits set by the City in lieu of the promulgated National Categorical Pretreatment Standards, for integrated facilities in accordance with the combined waste stream formula as set by the EPA.

### **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.**

1. If a user is a corporation:
  - 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; or
  - b) The manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user 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.
4. The individuals described in paragraphs 1 through 3, above, 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.

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

**BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

**BUILDING SEWER** shall mean the extension from the building drain to the public sewer or other place of disposal.

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

**History:** (Amnd 09-16-092;-)

**CITY** shall mean City of Lapeer, Michigan.

**COMBINED SEWER** shall mean the extension from the building drain to the public sewer or other place of disposal.

**COMPATIBLE POLLUTANT.** Pollutants which can be effectively removed by the POTW treatment system to within acceptable levels for the POTW residuals and receiving stream. Specifically excluded are heavy metals, PCBs and any pollutants that will likely contribute or cause operational or sludge disposal problems or unacceptable discharges to the receiving waters. This includes conventional pollutants but is not to be interpreted as being equivalent to conventional pollutants since these have already been defined by EPA and are very specific.

**COMPOSITE SAMPLE.** A collection of individual grab samples obtained at regular intervals, either on a time proportional or flow proportional basis, over a specified period which provides a representative sample of the average stream during the sampling period. For categorical process samples, this is required to be a minimum of four (4) of four (4) samples per 24 hours.

**CHEMICAL OXYGEN DEMAND (COD)** shall mean a measure of the oxygen-consuming capacity of inorganic or organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC or DOC, oxygen consumed and dichromate oxygen consumed, respectively.

**CHLORINE DEMAND** shall mean the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact, and temperature.

**COMBINED WASTE STREAM.** The waste stream at industrial facilities where regulated process effluent is mixed with other wastewaters (either regulated or unregulated) prior to treatment.

**COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**DEBT SERVICE CHARGE** means charges levied to customers of the wastewater system and which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the user charge specified below.

**DILUTION.** Any thinning or weakening of a wastewater discharge by mixing it with water or other liquor including any process of mixing or diluting as a partial or complete substitute for adequate treatment necessary to achieve compliance with applicable standards and limitations. Dilution is prohibited unless specifically approved by the POTW in writing.

**DOMESTIC WASTE.** Means water carried waste of human origin generated by personal activities (from sources such as kitchens, bathrooms, lavatories and toilets). This does not include compatible industrial wastes. This definition does not exempt homeowners from liability as they may discharge industrial wastes or damage or upset the POTW.

**ENVIRONMENTAL PROTECTION AGENCY, OR EPA.** The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

**FEDERAL GRANT** means a grant in aid in construction of wastewater treatment works provided under PL 92-500, or the Federal Clean Water Act.

**THE ACT** means the Federal Water Pollution Control Act and the Clean Water Act and are used interchangeably in this ordinance and refer to Public Law 95-217 in 1977, and any succeeding amendments.

**FOOTING DRAIN** shall mean a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

**GARBAGE** shall mean solid wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle grater than 1/2 inch in any dimension.

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

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**INCOMPATIBLE POLLUTANTS** shall mean any pollutant which is not a compatible pollutant.

**INDUSTRIAL WASTE.** Any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business trade or research, including the development, recovery or processing of natural resources.

**INFILTRATION** shall mean the portion of groundwater which is unintentionally admitted to a sewer.

**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: or, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, 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 Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**LABORATORY DETERMINATION.** The measurements tests analysis of the characteristics of water and wastes shall be performed in accordance with the methods contained in the latest edition at the time of any such measurement test or analysis of "Standard Methods of Examination of Water and Sewage", a joint publication of the American Public Health Association and the Water Pollution Control Federation, the methods contained in 40 CFR 136 or in accordance with any

other method prescribed by the rules and regulations promulgated pursuant to this Section.

**MAJOR CONTRIBUTING INDUSTRY, or SIGNIFICANT INDUSTRIAL USER,** means any industrial user of the publicly owned treatment work that:

1. is subject to National Categorical Pretreatment Standards;
2. has a flow of 25,000 gallons or more of process wastewater per average work day;
3. has a process wastewater flow equal to or greater than five (5%) percent of the average dry weather hydraulic or organic capacity of the POTW;
4. has in its waste, a toxic pollutant in toxic amounts as defined in the standards issued under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
5. is found by the permit issuance authority in connection with the issuance of an NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries on than treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

**History:** (Amnd 09-16-92;-)

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.** Michigan Environmental Protection Agency, Administrator or other duly authorized official.

**History:** (Amnd 10-13-04;-)

**NATIONAL CATEGORICAL PRETREATMENT STANDARD.** Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.

**NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of 507(b) of the Act and 40 CFR Section 403.5.

**NATURAL OUTLET** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

**NORMAL DOMESTIC SEWAGE.** Sewage with a concentration of 300mg/1 biochemical oxygen demand or 350mg/1 of suspended solids.

**NPDES** means the national system for the issuance of permits under Section 402 of the Act and includes any State or interstate program, which has been approved by the Administrator, in whole or in part, pursuant to Section 402 of the Act.

**NPDES PERMIT** means a permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in U.S. Public Law 92-500.

**OPERATION AND MAINTENANCE** means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable State and Federal regulations, and includes the cost of replacement.

**OWNER,** or owners of record of the freehold of the premises or lease estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lease, or other person, firm or corporation in control of a building.

**PASS THROUGH** means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a

discharge or discharges from other sources, is a cause of a violation of any requirement of the POTWs NPDES permit (including an increase in the magnitude or duration of a violation) or detrimentally impacts the receiving stream.

**PERSON** means 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, The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

**pH** shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution: neutral water, of example, has a pH value of 7 and a hydrogen ion concentration of 10.

**POLLUTANT.** Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

**POLLUTION.** The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

**PRETREATMENT OR TREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature 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 the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

**PRETREATMENT REQUIREMENTS.** Means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

**PRETREATMENT STANDARDS.** Shall include all national categorical pretreatment standards, the general and specific prohibitions specified in 40 CFR 403.5, all state standards as well as the prohibitions or limits specified in this ordinance.

**PUBLIC SEWER** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**PUBLIC SYSTEMS AVAILABLE.** Means a public water supply system or a public sewer system shall be deemed available to premises used for human occupancy if such premises are within the corporate limits of the City of Lapeer.

**History:** (Amnd 10-13-04; Amnd 07-24-08;-)

**PUBLIC WATER.** Shall mean water systems in which all owners of abutting properties have equal rights, and is controlled by public authority.

**History:** (Amnd10-13-04;-)

**REPLACEMENT** means the replacement in whole or in part of any equipment in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with **NPDES** Permit and other State and Federal regulations.

**SANITARY SEWER** shall mean a sewer, which carries sewage and to which storm, surface and groundwater are no intentionally admitted.

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

**History:** (Amnd 09-16-92;-)

**SEWAGE OR WASTEWATER** shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater as may be present.

**SEWAGE TREATMENT PLANT, WASTEWATER TREATMENT PLANT, OR PUBLIC OWNED TREATMENT WORKS** shall mean any arrangement of devices and structures used for treating sewage.

**History:** (Amnd 04-24-85;-)

**SEWAGE WORKS** shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

**History:** (Amnd 04-24-85;-)

**SEWER** shall mean a pipe or conduit for carrying sewage.

**SEWER SERVICE CHARGE** means the sum applicable of the user charge, surcharges, and debt service charges.

**SHALL** is mandatory; **MAY** is permissive.

## **SIGNIFICANT VIOLATION, OR SIGNIFICANT NONCOMPLIANCE.**

An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical review criteria (TRC) violations defined here as those in which thirty three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, FOG and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority 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, public welfare, or the environment, or has resulted in the POTW exercising its 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 thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and/or reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations, which the Control Authority determines will adversely affecting operation or implementation of the City's Pretreatment program.

EFFECTIVE DATE OF AMENDMENT:

**SLUG.** Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

**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.

**STATE.** State of Michigan.

**STORM SEWER OR STORM DRAIN** shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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

**SUPERINTENDENT** shall mean Superintendent of the Public Owned Treatment Works and of the Water Distribution system.

**History:** (Amnd 04-24-85; Amnd 10-13-04;-)

**SURCHARGE** shall mean an extra charge to cover the cost of tracing, sampling and testing sewage with strengths in excess of those found in normal domestic sewage.

**SUSPENDED SOLIDS** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment.

**UPSET.** Means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

**USER.** Any person who contributes, causes or permits the contribution of wastewater into the sewage works.

**USER CHARGE** means a charge levied on users of a treatment works for the cost of operation and maintenance of sewage works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement.

**USER CLASS** means the kind of user connected to sanitary sewers including, but not limited to residential, industrial, commercial, institutional and government.

1. **RESIDENTIAL USER** means any user whose sanitary sewage emanates from a property primarily used as a domicile, including multiple dwellings and whose discharges are consistent with domestic waste characteristics. This definition should be avoided as it could exempt someone from the requirements if he/she discharges industrial waste into the sewer at their home.
2. **INDUSTRIAL USER** shall mean any user that discharges an industrial waste as defined in this Ordinance.
3. **COMMERCIAL USER** shall mean an establishment listed in the Office of Management and Budget's "Standard Industrial Classification Manual" (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
4. **INSTITUTIONAL USER** shall mean any establishment listed in the Office of Management and Budget's "Standard Industrial Classification Manual" (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
5. **GOVERNMENTAL USER** shall mean any Federal, State or Local government user of the wastewater treatment works.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any Portion thereof.

**WATERCOURSE** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**ABBREVIATIONS.** The following abbreviations shall have the designated meanings.

**ASTM** - American Society for Testing and Materials

**BOD** - Biochemical Oxygen Demand

**CFR** - Code of Federal Regulations

**COD** - Chemical Oxygen Demand

**CWA** - Clean Water Act

**EPA** - Environmental Protection Agency

**l** - liter

**MDNR** - Michigan Department of Natural Resources-Michigan Department of Environmental Quality

**mg** - milligrams

**mg/l** - milligrams per liter

**NPDES** - National Pollutants Discharge Elimination System

**O & M** - Operation and Maintenance

**POTW** - Public Owned Treatment Works

**SIC** - Standard Industrial Classification

**SS** - Suspended Solids

**USC** - United States Code

**WPCF** - Water Pollution Control Federation

History: (Amnd 04-24-85;-)

### **5.03 USE OF PUBLIC WATER/SEWER REQUIRED**

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, any human or animal excrement, garbage or other prohibited waste.
- (B) It shall be unlawful, when sewer and/or treatment facilities are available, to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the State Health Department.
- (C) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the Lapeer County Health Department or as hereinafter provided.
- (D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes located within the corporate limits

of the City of Lapeer, and for which a public water system, sanitary system or combined sewer of the City is available, is hereby required at his/her expense to install suitable water and sewer facilities therein and to connect such facilities directly with the proper public water and/or sewer in accordance with the provisions of this Ordinance and within ninety (90) days of the date the Superintendent gives notice to do so.

**History: (Amnd 10-13-04;-)**

- (E) Except as specifically permitted or required in this Ordinance, it shall be unlawful to construct or maintain a potable water supply other than a public water system within the City.

**History: (Amnd10-13-04;-)**

- (F) Reference City of Lapeer Fee Schedule for fees associated with connection onto a Public Water and Sewer System.

**History: (Amnd 07-24-08;-)**

#### **5.04 PRIVATE WATER/SEWER SYSTEMS**

- (A) Where a public sanitary sewer is not available under the provisions of Section 5.03, subsection D, the building water and/or sewer shall be connected to an approved private potable water system and/or sewage disposal system.

**History: (Amnd 10-13-04;-)**

- (B) At such times as a public water and/or sewer system becomes available to a property served by a private water system and/or sewage disposal system as provided in Section 5.03, subsection D, a direct connection shall be made to the public water and/or sewer in compliance with this Ordinance. Thus, any septic tanks, cesspools and similar private sewage disposal facilities shall be pumped, filled with sand and be abandoned for sanitary use, and wells shall be abandoned in accordance with the Department of Environmental Quality regulations under the supervision of the City.

**History: (Amnd 10-13-04;-)**

- (C) The owner shall install, operate and maintain any permitted or required private potable water system and/or sewage disposal facilities in a sanitary manner at all times in accordance with the rules and regulations of the Lapeer County Health Department and at no expense to the City.

**History: (Amnd 10-13-04;-)**

**EFFECTIVE DATE OF AMENDMENT: October 13, 2004**

- (D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Health Department.
- (E) Reference City of Lapeer Fee Schedule for fees associated with the installation of a private water and sewer system.  
**History: (Amnd 07-24-08;-)**

## **5.05 BUILDING WATER/SEWER CONNECTIONS**

- (A) No persons shall uncover, make any connection with or opening into, alter or disturb any public water/sewer or appurtenance thereof without first obtaining a written permit from the City.  
**History: (Amnd 10-13-04;-)**
- (B) All costs and expense incident to the installation, connection and maintenance of the building water and/or sewer to the public water and/or sewer connection shall be borne by the owner.  
**History: (Amnd 10-13-04;-)**
- (C) A separate and independent building water and/or sewer connection shall be provided for every building. Provided however, where the building stands at the rear of another on an interior lot and no public or private sewer and/or water is available or able to be installed and connected to the rear building through an adjoining alley, court, yard, or driveway, the building water and/or sewer from the front building may be extended to the rear of the building if approved by the Superintendent.  
**History: (Amnd 10-13-04;-)**
- (D) Existing building water and/or sewers may be used in connection with new buildings only when they are approved by the Superintendent and found to meet all requirements of this Ordinance.  
**History: (Amnd 10-13-04;-)**
- (E) The building sewer shall be constructed of material approved by the City which will be watertight to prohibit infiltration. The City reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the City.
- (F) The size and slope of the building sewer shall be subject to the approval of the City, but in no event shall the diameter be less than four (4) inches. The

slope of such four (4) inch pipe shall be not less than one-quarter (1/4) inch per foot, unless otherwise permitted.

- (G)** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction of greater than forty-five (45) degrees shall be provided with clean-outs accessible for cleaning.
- (H)** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the City, and discharges to the building sewer.
- (I)** All joints and connections shall be made gas tight and watertight. All joints shall be approved by the City.
- (J)** No building sewer shall be located closer than ten (10) feet to any water well or well pit.
- (K)** No sewer connection will be permitted unless there is capacity available in all downstream sewers lift stations, force mains and the Public Owned Treatment Works, including capacity for treatment of BOD and suspended solids.  
**History: (Amnd 04-24-85;-)**
- (L)** All extensions and alterations of the system of water and/or sewer mains shall be under the supervision of the City. Each petition from the extension of water and/or sewer mains shall be addressed to the City, and the City shall consider the petition and advise the petitioners of its decision.  
**History: (Amnd 10-13-04;-)**
- (M)** Any person, being the owner of property within the City proposed to be dedicated to the City for street or utility right-of-way purposes, installing water mains and/or sewer mains within the area so proposed to be dedicated, at his or her own expense, shall first submit plans and specifications for such work to the City for its approval. After such plans and specifications have been approved by the City the work shall be done under the supervision of the City. The City may require that such tests be made as it considers necessary to assure compliance with applicable standards. No water usage or sewage shall be admitted into such mains until the City accepts the

installation. The provisions of this subsection shall also apply to any installation of water and/or sewer mains outside of the City, where permission has been granted by the City to connect such mains to the existing City water and/or sewage system.

**History: (Amnd 10-13-04;-)**

**(N)** Before any connection is made to a City water and/or sewer main, application for permit therefore must be made in writing to the City by the owner of the premises to be served, or by his or her authorized representative. The application shall be made on forms provided by the City.

**History: (Amnd 10-13-04;-)**

**(O)** After the permit for service connection has been granted, and before the connection is made, the owner shall pay a permit fee for tapping the public main and installation of the water and/or sewer service from the public main to the premises. The permit fee shall be determined and paid according to a schedule of fees established by the City.

**History: (Amnd 10-13-04;-)**

**(P)** The building's water service shall be constructed of material approved by the City, with a burying dept of five and a half (5.5) feet. Installation of a water service shall comply with City Construction Specifications.

**History: (Amnd 10-13-04;-)**

## **5.06 USE OF THE PUBLIC SEWERS**

**(A)** No persons shall discharge or cause to be discharged, any storm water, surface, water, ground water or roof water to any sanitary sewer. Storm water may be discharged to such sewers as are specifically designated as combined sewers or storm sewers. Ground water, cooling water and other unpolluted process water shall be discharged only to a sewer specifically designated as a storm sewer.

**(B)** No user shall introduce or cause to be introduced into the POTW any pollutants 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 requirements.

**History: (Amnd 03-24-99;-)**

**(C)** Except as expressly allowed and permitted by the City or otherwise hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewers:

**History: (Amnd 09-16-92;-)**

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 6.0 or more than 9.5 or otherwise causing corrosive structural damage to the POTW or equipment.
3. Solid or viscous substances capable of causing obstruction to flow in sewer or other interference with the proper operation of the sewage works, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, lass, rags, feathers, tar, plastics, woods, paunch manure, or any other solids or viscous substance.
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), 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 the POTW.
5. Wastewater having a temperature greater than 150°F (65°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° (40°C);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent;
9. Any noxious malodorous gas or substance capable of creating a public nuisance, including pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may

cause acute worker health and safety problems. Further, there is no affirmative defense, of any kind, available for the discharge of pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW that may cause acute worker health and safety problems.

10. 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;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Superintendent.
13. Sludges, screenings, or other residues from the pretreatment of industrial waste;
14. Medical wastes, except as specifically authorized by [the Superintendent] in a wastewater discharge permit.
15. Wastewater causing, alone or in conjunction with other sources, the treatment plants effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
17. Fats, oils or greases of animal or vegetable origin in concentrations greater than 620 mg/l;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW;

- (D) Grease, oil and sand interceptors shall be provided when, in the opinion of the Building Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be

of a type and capacity approved by the Building Inspector and shall be located at to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

- (E) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (F) The admission into the public sewers of any waters or wastes by containing (a) five (5) day BOD greater than 300 parts per million by weight (or COD greater than 700 parts per million by weight as alternative basis to five (5) day BOD), or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing more than forty (40) parts per million by weight of special Kjeldahl nitrogen, or (d) containing more than ten (10) parts per million of total phosphorus, or (e) containing more than 100 parts per million by weight of fats, oil and grease, or (f) having an average deal flow granter than two (2) percent of the average deal flow of the City, shall be subject to review and approval of the superintendent. Where necessary in the opinion of the City, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD to 300 parts per million by weight (or the COD to 700 parts per million by weight as alternative basis to five (5) day BOD), or reduce the suspended solids to 350 parts per million by weight, or reduce the total Kjeldahl nitrogen to forty (40) parts per million by weight, or reduce the total phosphorus to ten (10) parts per million by weight, or reduce the fates, oils and grease to 100 parts per million by weight, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities, shall be prepared and submitted by a qualified engineer for the approval of the superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- (G) Where the strength of the sewage from industrial, commercial, or institutional establishment exceeds (a) 300 parts per million of five (5) day BOD by weight (or 700 parts per million of COD as alternative basis to five (5) day BOD) or (b) 350 parts per million of suspended solids by weight, or (c) forty (40) parts per million of total Kjeldahl nitrogen by weight, or (d) ten (10) parts per million of total phosphorus by weight, or (e) 100 parts per million of fates, oil and grease by weight, and where such wastes are permitted to be discharged to the sewer system by the superintendent, an added charge, as noted below,

will be made against such establishment according to the strength of such wastes. However, no discharger will be allowed to discharge wastewater containing concentrations which exceed the following limits:

<b>Materials</b>	<b>Maximum Concentration (mg/l)</b>
5 day BOD (or COD as alternative basis to 5 day BOD)	2,300 (5,400)
suspended solids	1,650
total Kjeldahl nitrogen	260
total phosphorus	60
fats, oils and grease	620

The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the City. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made at the City Wastewater Treatment Plant or an independent laboratory. Added charges shall be determined by the City. These charges shall be based on the cost of operation, maintenance, administration, depreciation, amortization plus sufficient coverage for the sewage works.

**History: (Amnd 05-24-95;-)**

- (H) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained condition in satisfactory and effective operation by the owner at his expense.
  
- (I) Whenever the Superintendent cannot reasonably observe, sample and measure the industrial wastes of any business or industry, either now existing or later commenced, and he has reasonable cause to believe that said wastes are in violation of the standards imposed by subsection C, of Section 5.06, he may require the owner of the premises from which said wastes are discharged to construct and install a suitable control manhole in the building sewer to permit the observation, sampling and measurement of said wastes. Such manhole when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
  
- (J) Except where expressly authorized to do so by the City or an applicable Pretreatment Standard, no user shall ever increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained

in the National Categorical Pretreatment Standards, Alternative Discharge limits, or in any other pollutant specific limitation developed by the City or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in this Ordinance upon prior written approval of the Superintendents.

**History: (Amnd 09-16-92;-)**

- (K)** Where required a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. The City will without such protection will be subject to these requirements. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the Superintendent before construction of the facility. All required users shall complete such a program within ninety (90) days of notification by the Superintendent. If required by the Superintendent a user who commences contribution to the sewage works after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Superintendent. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the sewage location of discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such loss, damage, or other liability which may be incurred as a result of damage to the sewage works, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Section or other applicable law. Failure to file a report shall be a separate violation of this Ordinance.

**History: (Amnd 09-16-92;-)**

- (L)** All measurements, tests and analysis of the characteristics of waters and wastes to which references are made shall be determine in accordance with "Standard Methods for Examination of Water and Wastewaters" and "Guidelines Establishing Test Procedures for the Analysis of Pollutants". Federal Regulations 40 CFR 136, published in the Federal Register on October 16, 1973, shall be determined at the control manhole provided for in Section 5.06, subsection H, or upon suitable samples taken at said control

manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

- (M)** To determine the sewage flow from any establishment, the City may use one of the following methods:
1. The amount of water supplied to the premises by the City or a private water company as shown upon the water meter if the premises are metered; or
  2. If the premises are supplied with water from private wells or any other source, the amount of water supplied from such sources as estimated by the City from the water, gas or electric supply; or
  3. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the City from the water, gas or electric supply; or
  4. The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the Superintendent pursuant to this section; or
  5. A figure determined by the City by any combination of the foregoing or by any other equitable method.
- (N)** No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City, subject to payment therefor by the industrial concern.
- (O)** Bypass producing a discharge which violates applicable Pretreatment Standard is prohibited, and the City may take enforcement action against an Industrial User for such bypass, unless: the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; 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 (except where adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to operate during normal periods of equipment downtime or preventive maintenance); and the user submitted required notices. For accidental bypass, notice requirements are specified in paragraph (K) herein.

If the user knows in advance of the need for bypass, a prior notice shall be submitted to the City at least ten (10) days before the date of the bypass. The City may approve or disapprove this anticipated bypass, after considering its adverse effects.

**History: (Amnd 09-16-92;-)**

#### **5.07 PROTECTION FROM TRESPASS AND DAMAGE**

**(A)** No unauthorized person shall enter any building structure, or enter or climb upon any equipment which is part of the Public Owned Treatment Works.

**History: (Amnd 04-24-85;-)**

**(B)** No person shall willfully damage, destroy, deface, uncover or tamper with any building, structure, appurtenance or equipment which is part of the Public Owned Treatment Works.

**History: (Amnd 04-24-85;-)**

**(C)** No person shall plug or attempt to plug any sewer line or appurtenance.

**5.08 POWER AND AUTHORITY OF INSPECTORS.** The Superintendent and other duly authorized employees of the City acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

#### **5.09 PENALTIES AND FEES**

**(A)** Violations of Section 5.19(F) or 5.07, including subparagraphs A, B, or C, shall be punishable by a maximum of ninety (90) days in jail and/or five hundred (\$500) dollar fine, in the discretion of the Court.

**(B)** Any person found to be violating any provision of this Ordinance except Sections 5.07 or 5.19(F) shall be served by first class mail to the address where the sewer bills are sent, by the City with a written notice stating the nature of the violation and providing a reasonable time limit for the correction thereof. Failure to correct the violation within the time stated shall subject the violator to prosecution for a misdemeanor, with a maximum penalty of ninety

(90) days in jail and/or five hundred (\$500) dollars fine, in the discretion of the Court, for each violation. Each day in which any such violation continues shall be deemed a separate offense.

**History:** (Amnd A & B 04-24-85; Amnd 09-16-92;-)

**(C)** In addition to any other remedies contained herein, any person violating any of the provisions of this Ordinance shall be liable to the City for any expense, loss, or damage suffered by the City by reason of such violation.

**(D) Industrial Pretreatment Program Cost Recovery System:**

The City may provide for the recovery of cost from Major Contributing Industries for operating the Industrial Pretreatment Program. The applicable surcharge or fees may include cost recovery for:

1. Administering the program; this includes staff wages, supplies, consultant fees, etc.
2. Issuing and maintaining the discharge permits.
3. Monitoring, inspections, and surveillance.
4. Laboratory testing of discharged wastewater; where possible, laboratory charges shall be for the actual cost thereof and will be determined for each Industrial User.
5. Equipment purchase and replacement.
6. Applying necessary enforcement action.
7. Others that the City deems necessary to carry out objectives of the Industrial Pretreatment Program.

**History:** (Amnd 09-16-92;-)

**5.10 GENERAL DISCLOSURES.** All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this Ordinance within 120 days after the effective date of this Ordinance.

Industrial dischargers shall complete the file with the City a disclosure declaration in the form prescribed by the City. Existing industrial dischargers shall file disclosure forms within 120 days after the effective date of this Ordinance, and proposed new dischargers shall file disclosure forms at least ninety (90) days prior to connecting to

the POTW. The disclosure to be made by the discharger shall be made on written forms provided by the City and shall cover:

- a) Name, address and location of the discharger;
- b) SIC number according to the "Standard Industrial Classification Manual", Bureau of Budget, 1972, as amended;
- c) Wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, part 136, as amended;
- d) Disclosure of time and duration of dischargers.
- e) Disclosure of average daily and instantaneous peak wastewater flow rates in gallons per day.
- f) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- g) Description of activities, facilities and planning processes on the premises including all materials which are or may be discharged to the sewers or works of the authority and a schematic diagram indicating point of discharge to the wastewater treatment plant  
**History: (Amnd09-16-92;-)**
- h) Disclosure of the nature and concentration of any pollutants of materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance. New sources shall disclose information on any pretreatment methods they intend to use and provide estimates on expected treated discharge flow and pollutant concentrations.  
**History: (Amnd 09-16-92;-)**
- i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
  - 1) This schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and

operation of additional pretreatment requirements of this Ordinance which includes all acts necessary to achieve compliance with this Ordinance.

- 2) Progress reports shall be submitted by the discharger to the City with increments of progress toward compliance of discharge standards as outlined in this Ordinance.
- j) Disclosure of each product produced by type, amount, process or processes and rate of production;
- k) Disclosure of the type and amount of raw materials utilized (average and maximum per day);
- l) All disclosure forms shall be signed by a principal executive officer of the discharger;
- m) Any other information as may be deemed by the superintendent to be necessary to evaluate the impact of the discharge on the sewage works.

The City will evaluate all completed disclosure forms and reserves the right to require additional information. The City reserves the right to amend this Ordinance in order to assure compliance by the City with applicable laws and regulations within nine (9) months of the promulgation of a national categorical pretreatment standard. This Ordinance shall be amended to require dischargers to comply with such standards within the time frame prescribed by such standards. All national categorical pretreatment standards adopted after the promulgation of this Ordinance shall be adopted by the City as part of this Ordinance. Where a discharger, subject to a national categorical pretreatment standard, has not previously submitted a disclosure form as required by this Ordinance, the discharger shall file a disclosure form with the City within 180 days after the promulgation of national categorical pretreatment standard by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a disclosure statement, shall submit to the City within 180 days after the promulgation of National Categorical Pretreatment Standards, the information required by paragraphs (e), (g), (h) and (i) of this Section. The City will inform dischargers of any proposed changes in the Ordinance at least thirty (30) days prior to effective date of change. Any changes or new conditions in the Ordinance shall include a reasonable time schedule for compliance.

**History: (Amnd 09-16-92;-)**

The reports required by this Section and Section 5.13 shall be signed by an authorized representative of the Industrial User and include the following certification statement:

**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 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.**

If the authorized representative changes because a different individual or position has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of **Section 5.02, AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USERS**, must be submitted to the City prior to or together with any reports to be signed by the authorized representative.

**History: (Amnd 09-16-92;-)**

#### **5.11 PRETREATMENT STANDARDS**

**(A)** Within six (6) months of the promulgation or revision of a Pretreatment Standard, all affected users must submit to the Superintendent the information required by paragraphs e), g), h) and i) of Section 5.10.

**History: (Amnd 09-16-92;-)**

**(B)** Upon the promulgation of the National Categorical Pretreatment Standards, Alternative Discharge Limits, or other Federal or State limitations, for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The City shall notify, by First Class Mail to the address where the sewer bills are sent, all affected users of the applicable reporting requirements.

**(C)** Existing Sources subject to new Pretreatment Standards shall achieve compliance within three (3) years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New Sources subject to Pretreatment Standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge; and shall meet all

applicable Pretreatment Standards within the shortest feasible time, but not to exceed ninety (90) days.

**History: (Amnd 09-16-92;-)**

- 5.12** Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations established by the City. The City may:
- (A)** Limit the average and maximum wastewater constituents and characteristics;
  - (B)** Limit the average and maximum rate and time of discharge or make requirements for flow regulations;
  - (C)** Require the installation and maintenance of inspection and sampling facilities;
  - (D)** Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - (E)** Establish compliance schedules;
  - (F)** Require submission of technical reports or discharge reports;
  - (G)** Require the maintaining, retaining, and furnishing of plant records relating to wastewater discharge as specified by the City, and affording City access thereto, and copying thereof;
  - (H)** Require notification of the City for 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;
  - (I)** Require notification of slug discharges and accidental spills;
  - (J)** Require other conditions as deemed appropriate by the City to ensure compliance with this Ordinance;
  - (K)** Control through permit, order, or similar means, the contribution to the Public Owned Treatment Works by each user to ensure compliance with applicable Pretreatment Standards or pollutant-specific limitations developed by the City or STATE. This control mechanism may limit duration to a maximum of five years, require nontransferability without appropriate prior notification, set

effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations.

**History: (Amnd 09-16-92;-)**

**(L)** Adjust Pretreatment Standards to reflect the presence of pollutants in the user's intake water in accordance with the net/gross calculation requirements of Section 403.15 of the Federal Register.

**History: (Amnd 09-16-92;-)**

**(M)** Apply the "Combined Wastestream Formula" to account for dilution effect on categorical process discharges in accordance with Section 403.6(e) of the Federal Register.

**History: (Amnd09-16-92;-)**

**5.13** Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source following commencement of the introduction of wastewater into the sewage works, any user subject to Pretreatment standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative, the industrial user, and certified to by a qualified representative.

**(A)** Any user discharging an industrial waste, or any new industrial source discharging into the sewage works, shall submit to the City during the months of June and December, unless required more frequently in Pretreatment Standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 5.10, paragraph (c) of this Ordinance. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

**(B)** The City may also impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other

cases in which the imposition of mass limitations is appropriate. In such cases, the report required by paragraph (A) of this section shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.

- (C) If a user subject to reporting requirements required to demonstrate continued compliance monitors any pollutant more frequently than required by the City, using approved procedures, the result of this additional monitoring shall also be included in the reports. If sampling performed by an Industrial User indicates a violation, the User shall notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis to the City within thirty (30) days after becoming aware of the violation, except when the City will be performing scheduled surveillance sampling/analysis within the thirty (30) day period.

**History: (Amnd 09-16-92;-)**

- (D) All users shall notice the POTW, the EPA Regional Waste Management Division Director, and the State Hazardous Waste authority in writing of any discharge into the POTW of the substance which would be a hazardous waste under Section 261 of the Federal Register if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with Section 403.12(p) of the Federal Register. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must provide notification of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the user shall further 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.

**History: (Amnd 09-16-92;-)**

- (E) All users shall notify the POTW in writing at least 45 days prior to any substantial changes in the volume or character of pollutants in their discharge. These changes would include, but not be limited to, ground water purged from remedial action programs and ground water containing pollutants that may infiltrate the sewers

**5.14** The City may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the

City or its representative, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The City, MDNR and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, MDNR and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

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

As required by Section 403.8(f)(2)(vii) of the Federal Register, the City shall annually publish in the major local newspaper a list of the users which were significantly violating any applicable Pretreatment Requirements or Standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or MDNR upon request.

- 5.16** Information and data on a user obtained from reports, questionnaire, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically request and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the persons furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the STATE or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the CITY until and unless a ten (10) day notification is given to the user. Any such release of information shall be made in accordance with Section 403.14 of the Federal Register.

- 5.17 DISPOSAL AT WASTEWATER TREATMENT PLANT.** Waste from industrial sewage disposal systems shall be disposed of at the Wastewater Treatment Plant or at any other refuse or disposal site approved by the Superintendent. Unless specifically approved and permitted by the City, no waters or wastes described in Section 5.06(C) shall be disposed of at the Wastewater Treatment Plant.  
**History: (Amnd 09-16-92;-)**

- 5.18 JUDICIAL ENFORCEMENT REMEDIES.** If any person discharges sewage, industrial wastes or other wastes into the City wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City may commence an action from appropriate legal and/or equitable relief in the applicable Court of this County.

**(A) Injunctive Relief:**

A user who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a preliminary injunction or a permanent injunction, or both as may be appropriate. This action will be sought to restrain or compel activities on the part of the affected User.

A petition of injunctive relief shall in no way relieve the affected User of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the City against the affected User.

- (B) A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable for a civil penalty of up to one-thousand dollars (\$1,000.00) per violation. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of the averaging. The affected User will also be liable for all costs incurred by the City for associated enforcement action such as reasonable attorneys fees, court costs, additional sampling and monitoring expenses, as well as costs of any environmental damage and any fines imposed upon the City for NPDES permit violations that result in whole or in part from the Users violation and expenses associated with remediation of sites thereby contaminated. The City Attorney may petition the court to impose, assess and recover sums up to this limit of liability. In determining the appropriate amount of civil penalty to seek, the City may take into account all relevant circumstances including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the affected User as a result of the violation, corrective actions implemented or proposed to be implemented by the affected User, and history of compliance or noncompliance by the affected User.

Civil prosecution shall not be a bar against, or a prerequisite for, any other actions by the City against the User.

**(C) Criminal Prosecution:**

**1. Violations-Generally**

A User who has willfully or negligently violated or continues to willfully or negligently violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five-hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or prerequisite for, any other actions by the City against the affected User.

**2. Falsifying Information**

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five-hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long term average discharge limits, the penalty may be assessed for each day during the period of averaging.

**3. Tampering**

A User who falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five-hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long term average discharge limits, the penalty may be assessed for each day during the period of averaging.

**5.19 ADMINISTRATIVE ENFORCEMENT REMEDIES.**

- (A) The superintendent may suspend wastewater treatment service when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threaten discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the sewage works or results in the violation of any condition of the NPDES Permit.

The superintendent may also suspend wastewater service of any User which (a) fails to accurately report the wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in wastewater constituents or characteristics; or (c) refuses reasonable access to the User's premises by representatives of the City for the purpose of inspection or monitoring.

(B) The City may Utilize one or more of the following enforcement procedures to identify, document, and respond to instances of noncompliance:

1. Whenever the City finds that a User has violated any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement, the superintendent will issue a **Notice of Violation** to formally document the noncompliance. This document will specify the nature of the violation, establish a date by which the violation shall be corrected, and notify the affected User that failure to correct the violation would constitute a further violation which may result in additional enforcement action. A Notice of Violation will be sent via first-class mail or personally served on an Authorized Representative of the User.

Receipt, or nonreceipt, of a Notice of Violation shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Violation shall not be a bar against, or prerequisite for, any other enforcement actions by the City against the affected User.

2. When the City finds that a User has violated any provision of this Ordinance, Industrial Waste Permit or Order issued hereunder, or other Pretreatment Standard or Requirement, the superintendent may issue an **Administrative Order to Show Cause** requiring the affected User to appear at a hearing to demonstrate why escalated enforcement action should not be pursued. This document will specify the nature of the violation, establish the time and place for the hearing, and notify the affected User that failure to comply would constitute a violation of this Ordinance which may result in additional enforcement action. An Order to Show Cause will be issued at least ten (10) days prior to the hearing, and will be sent via certified mail/return receipt requested or personally served on an Authorized Representative of the User.

3. When the City and the affected User agree to a violation and to the remedial solution, the superintendent may issue and **Order of Consent** or similar document to formally establish such agreement. This document will specify the nature of the violation and required actions such as compliance schedules, stipulated fines, additional self-monitoring and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order of Consent will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User, and will require signatures of representatives from both the City and the affected User.

An Order of Consent or similar document shall have the same force and effect as other administrative orders issued by the City pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement.

Receipt, or nonreceipt, of an Order of Consent or similar document shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Consent Order or similar document shall not be a bar against, or a prerequisite for, any other enforcement actions by the City against the affected User.

4. When the City and affected User do not agree to the violation or to the remedial solution, the superintendent may issue an **Order to Achieve Compliance**. This document will specify the nature of the violation and include required actions such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order to Achieve Compliance will be issued unilaterally in that terms need not be agreed to by the affected User, and will be sent via certified mail/return receipt requested, or personally serviced on and Authorized Representative of the User.

An Order to Achieve Compliance shall have the same force and effect as other administrative orders issued by the City pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements, or extend the deadline for compliance established by a Pretreatment Standard or Requirement.

Receipt, or nonreceipt, of an Order to Achieve Compliance shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Achieve Compliance shall not be a bar against, or prerequisite for, any other enforcement actions by the City against the affected User.

5. When the City finds that a User has violated and continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement, the superintendent and the City Attorney may jointly issue a **Cease and Desist Order** requiring the affected User to eliminate the violation within twenty-four (24) hours or face suspension of sewer service. This document will specify the nature of the violation, and require that the violation cease. If the violation has not been corrected within 24 hours following issuance of the order, the City may suspend sewer service without further notice until such time as the affected User is able to demonstrate to the City that it can comply with the discharge requirements. A Cease and Desist Order will be personally serve on an Authorized Representative of the User.

Receipt, or nonreceipt, of a Cease and Desist Order shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, any other enforcement actions by the City against the affected User.

6. Whenever the City finds that a User's discharge is in violation of any provision of this Ordinance or any permit issued hereunder and that the violation creates or threatens to create an emergency situation such as damage to the sanitary sewer system, pass-through or interference to the wastewater treatment plant, hazard to the Flint River, endangerment to the public health and safety, or violation of any condition of the NPDES permit issued to the City, the superintendent and the City Attorney will jointly issue an **Emergency Cease and Desist Order** notifying the affected User to eliminate the violating discharge immediately or face service severance via a temporary plug in its sewer connection at any time and without further warning. This document will specify the nature of the violation, and require that the violation discharge cease until such time as the affected User is able to demonstrate to the City that it can comply with the discharge requirements. This document will also establish the time and place for the hearing where the affected User shall present a

written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the City to conduct this enforcement action. An Emergency Cease and Desist Order will be personally served on an Authorized Representative of the User, or may be delivered verbally via telephone to an Authorized Representative of the User and then served personally.

Receipt, or nonreceipt, of an Emergency Cease and Desist Order shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, any other enforcement actions by the City against the affected User.

7. Except for emergency situations covered under Subparagraph (B)6, of this Section, whenever the City finds that a User's continuing violation warrants revocation of its permit or privilege to discharge into the Wastewater System, the superintendent and the City Attorney will jointly issue a **Notice of Termination** to warn of the impending suspension of the sewer service up to and including severance via temporary plug in the affected User's sewer connection. This document will specify the date and the time of scheduled service suspension in order to allow the affected User to either voluntarily cease the violation discharge or arrange appropriate actions such as production shutdown or alternative means of wastewater disposal. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the City to conduct this enforcement action. A Notice of Termination will be personally served on an Authorized Representative of the User at least ten (10) days before the scheduled service suspension.

Receipt, or nonreceipt, of a Notice of Termination shall in now way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Termination shall not be a bar against, or a prerequisite for, any other enforcement actions by the City against the affected User.

- (C) In addition to the sanctions, orders, liabilities, and other remedies prescribed under Subparagraphs (B)1. through (B)7. in this Section, a User shall be

liable to the City for any and all fines, penalties, and associated legal and other costs incurred or expended by the City as the result of any violation of the City's NPDES permit that is attributable, in whole or in part, the User's violation of this Ordinance or a permit issued to the User hereunder.

**(D) Right of Revision:**

The City reserves the right to amend this Ordinance to provide for more stringent limitations or requirements of discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 5.00 of this Ordinance.

**(E) Right of Appeals:**

Except for emergency situations covered under Subparagraph (B)6. of this Section, any discharger or other person affected by an order of the Superintendent, City Manager, or a representative of the City Manger may request, in writing, an appeal to the full City Commission. Such requests must be filed within fifteen (15) days from the date of the order appealed from. Such appeal will not stay the order or any or the enforcement proceedings pending against the discharger or person making the appeal. Appeal from any final determination of the City Commission will be governed by applicable State law.

**(F) Operations Upset:**

Any discharger which experiences an upset in operations which places the discharger in a temporary state of non-compliance with this Ordinance shall inform the City within twenty-four (24) hours of first awareness of the commencement to the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharge with the City within five (5) days. The report shall specify:

1. Description of the upset, the cause of, and the upset's impact on the discharger's compliance status.
2. Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonable expected to occur.
3. All steps taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.

A documented and verified benefit operating budget shall be an affirmative defense to any enforcement action brought by the City against a discharger for any non-compliance with the Ordinance which arises out of violations alleged to have occurred during the period of the upset.

**(G) Records Retention:**

All dischargers subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analysis 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 by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement actions have concluded and all periods of limitation with respect to any and all appeals have expired.

**(H) Right of Interpretation:**

Any discharger or interested party shall have the right to request, in writing, an interpretation or ruling by the City on any matter covered by this Ordinance and shall be entitled to a prompt written reply. A request for an interpretation shall not stay any enforcement activity, which may be pending or contemplated by the City.

**(I) Supplementary Limitations:**

1. No discharger shall discharge wastewater containing concentrations of the following enumerated material, exceeding the following values:

<b>Material</b>	<b>Minimum Concentration (mg/l)</b>	<b>Sample Type</b>	<b>Test Method</b>
arsenic	0.420	24-hr. composite	EPA 206.2
chromium, hexavalent	0.063	24-hr. composite	Std. Method 3500 CR-D
chromium, total	2.400	24-hr. composite	EPA 218.1
Lead	0.560	24-hr. composite	EPA 239.1
Mercury	*	24-hr. composite	*
Zinc	1.300	24-hr. composite	EPA 289.1
Polychlorinated biphenyls	*	24-hr. composite	*

- \* Discharge of the polychlorinated biphenyls at detectable levels shall be a specific violation of this ordinance. The analytical method shall be EPA 608 and the minimum detection level shall be 0.2 ug/l unless a higher level is appropriate because of sample matrix interferences.
- \* Discharge of detectable mercury shall be prohibited except as follows:
  - a) Each discharger of detectable mercury shall have a City-accessible monitoring point for the net “process” effluent. If the City deems monitoring the net process effluent is not feasible, the discharger may have a City-accessible monitoring point for the net overall effluent (i.e., sanitary and process). All costs for installation of this monitoring point shall be the discharger’s responsibility.
  - b) Each discharger of detectable mercury shall routinely self-monitor its effluent for mercury using a composite sample collected over the period of normal discharge, a detection level of 0.2 ug/L (EPA Method 245.1), with a frequency to be established by the City. While the discharger may contract with the City or an outside consultant/laboratory to conduct this

sampling and analytical testing, all associated costs shall be the discharger's responsibility.

- c) At its discretion, the City may collect additional samples from each discharger of detectable mercury. If the discharger uses an outside consultant/laboratory to perform the self-monitoring, this annual surveillance requirement will be waived.
- d) Each discharger of detectable mercury shall develop and implement a Mercury Minimization Plan. The purpose of this plan shall be to establish actions and an implementation schedule to minimize mercury entering the collection system. The plan, which will be subject to review and approval by the City, shall address the following:
  - Treatment system for removal of mercury from the discharged wastewater;
  - Written procedures for disposal of mercury-contaminated wastes;
  - New employee training, as well as refresher training for current employees;
  - Review of purchased materials to ensure they are mercury free; and
  - Other activities deemed appropriate by the discharger.
- e) A discharge containing detectable mercury will not be accepted unless a Mercury Minimization Plan continues to be actively administered. The City reserves the right to terminate sewer service and/or to take enforcement action even if the user is implementing a Mercury Minimization Plan and has taken what the City determines are all reasonable and cost-effective actions based on economic, technical and treatability considerations.

**History: (Amnd 06-04-01;-)**

- 2. No discharger shall discharge wastewater containing concentrations in excess of the following enumerated materials, unless having first applied for a discharge permit via written forms provided by the City and supplied additional information as necessary for the City's determination whether a discharge permit is warranted:

<b>Material</b>	<b>Concentration (mg/l)</b>	<b>Minimum Sample Type</b>	<b>Test Method</b>
Cadmium	0.001	24-hr. composite	EPA 213.1
Copper	0.040	24-hr. composite	EPA 220.1
Cyanides, total	0.012	Grab	EPA 335.2
Nickel	0.009	24-hr. composite	EPA 249.1
Silver	0.001	24-hr. composite	EPA 272.1
Phenolics, total	0.023	Grab	EPA 240.1

3. The City may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards or requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the City.

**History: (Amnd 05-24-95;-)**

## 5.20 VALIDITY

- (A) The provisions of this Ordinance are severable, and if any of the provisions, word, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision of findings shall not in any way affect the validity, legality or constitutionality of any other provision, work phrase, clause or term, which shall continue in full force and effect.

**History: (Amnd 04-24-85;-)**

- 5.21 EFFECTIVE DATE.** This Ordinance shall become effective upon publication, September 29, 1982.