

ARTICLE VII. - INDUSTRIAL PRETREATMENT PROGRAM

DIVISION 1. - GENERALLY

Sec. 122-466. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251 et seq.

Approval authority means the department of natural resources or a duly authorized official of the department.

Authorized representative of industrial user means:

- (1) For a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function;
- (2) For a partnership or proprietorship, a general partner or proprietor; and
- (3) An appointed representative of the individual designated in subsection (1) or (2) of this definition, provided:
 - a. The representative is responsible for the overall operation of the facility from which the industrial discharge originates;
 - b. The authorization is made in writing by the individual designated in subsection (1) or (2) of this definition; and
 - c. The written authorization is submitted to the POTW.

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Control authority means designated officials of the city.

Environmental Protection Agency (EPA) means the Environmental Protection Agency or a duly authorized official of the agency.

Industrial user or user means any person who introduces pollutants into a POTW from any nondomestic source regulated under the act or state or local ordinance.

Interference means any discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW and any of its processes or operations or its sludge use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's WPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal.

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

New source means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under section 307(c) (33 USC 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided:

- (1) The construction is at a site at which no other source is located;
- (2) The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
- (3) The production or wastewater generating processes are substantially independent of an existing source at the same site.

Pass through means a discharge which exits the POTW into waters of the state in quantities or concentration which, alone or in conjunction with a discharge from other sources, causes a violation of any requirement of the POTW's WPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The singular shall include the plural where indicated by the context.

Pollutant means any dredged spoil, solid waste incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, oil, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant, and certain characteristics of wastewater (e.g., pH, temperature, suspended solids, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment or treatment means the reduction, elimination or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment standard or standard means any local, state or federal regulation containing pollutant discharge limits. This term includes limits, prohibitive discharge limits, including those promulgated under 40 CFR 403.5, and categorical pretreatment standards.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in section 502(4) of the act which discharges from such a treatment works.

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.

Significant industrial user (SIU) means (i) all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Upon finding that an industrial user meeting the criteria in subsection (ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time determine such user is not a significant industrial user.

Significant noncompliance (SNC) means:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of 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 as those in which 33 percent or more of all of 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, fats, oil, and grease, and 1.2 for all other pollutants except pH or exceed a pH limit by 0.4 standard pH units).
- (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, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority in accordance with 40 CFR 403.8 to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and 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 affect the operation or implementation of the local pretreatment program.

Slug discharge means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated.

(Code 1975, § 34.5-110)

Cross reference— Definitions generally, § 1-2.

Sec. 122-467. - Purpose.

The purposes of this article are to:

- (1) Establish uniform requirements for direct and indirect contributions into the wastewater collection and treatment system owned and operated by the city and to enable the city to comply with applicable state and federal laws and the general pretreatment regulations (40 CFR 403);
- (2) Prevent the introduction of pollutants into the municipality's wastewater system which will:
 - a. Interfere with the operation of the system;
 - b. Cause the treatment plant to violate its WPDES discharge permits;
 - c. Contaminate the sludge;
 - d. Pass through the system, inadequately treated, into receiving waters or the atmosphere;
 - e. Pose a health threat to sewer workers; or
 - f. Be otherwise incompatible with the system.

- (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) Provide for equitable distribution of the cost of the municipal wastewater system.

(Code 1975, § 34.5-108)

Sec. 122-468. - Applicability.

This article shall apply to all users of the city POTW, including all persons outside the city who are users of the city POTW.

(Code 1975, § 34.5-109)

Sec. 122-469. - General discharge prohibitions.

- (a) No person shall contribute or cause to be contributed directly or indirectly to the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW.
- (b) No person shall contribute the following substances to the POTW:
 - (1) Any substances which may create a fire or explosion hazard to the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
 - (2) Any wastewater having a pH less than 5.0 or greater than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.
 - (3) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater collection and treatment facilities.
 - (4) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate or concentration which may cause interference to the POTW.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the approval authority, upon request of the POTW, approves alternate temperature limits.
 - (6) Any wastewater containing more than 200 mg/l of total oil and grease, including but not limited to fats, waxes, petroleum oil, cutting oils or products of mineral oil origin.
 - (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) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - (9) Any substance which may cause public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
 - (10) Any wastewater containing substances which are not amenable to treatment or reduction by the POTW.

- (11) Any pollutant in excess of the allowable limits as determined by city, state or federal rules and regulations.
- (12) Any sludges, scums, skimmings, residuals, etc., generated by industrial and commercial facilities. Such substances shall be contained, transported and disposed of in accordance with all federal, state and local regulations.
- (13) Any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or noncontact cooling water. Stormwater runoff and groundwater from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the POTW.
- (14) Any wastewater containing antifreeze originating from automotive service or repair facilities. Such material shall be recycled or disposed of in accordance with all federal, state and local regulations.

(Code 1975, § 34.5-111)

Sec. 122-470. - Specific pollutant limitations (local limits).

No person shall discharge wastewater to the POTW containing the following pollutants in excess of the following 24-hour flow proportional average concentrations:

Pollutant	Limit, mg/l
Cadmium, total	0.69
Chromium, total	10.0
Copper, total	4.3
Lead, total	0.69
Mercury, total	0.02
Nickel, total	4.1
Silver, total	5.0
Zinc, total	4.0
Cyanide, total	5.0 ^{FN1}

¹The limitation for total cyanide shall be based on a single grab sample.

(Code 1975, § 34.5-112; Ord. No. 21-96-97, 7-17-96; Ord. No. 104-97-98, § 9, 12-15-97)

Sec. 122-471. - Pretreatment requirements.

- (a) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent standards of this article, federal pretreatment standards, as established by 40 CFR chapter N, subpart I, state standards and permit conditions and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations and with any other pretreatment standards by applicable deadlines.
- (b) Any facilities required to pretreat wastewater shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review before construction of the facility. The review of plans and operating procedures does not relieve the industrial user from complying with this article and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the POTW prior to the industrial user's initiation of the changes.

(Code 1975, § 34.5-113)

Sec. 122-472. - Dilution prohibition.

No industrial user shall increase the use of process water or in any way dilute a discharge as a substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

(Code 1975, § 34.5-114)

Sec. 122-473. - Spill prevention and slug control plans.

- (a) Industrial users shall provide protection from accidental discharge of prohibited materials or other regulated substances by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense.
- (b) The POTW shall evaluate each significant industrial user at least once every two years and other industrial users as necessary to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including nonroutine batch discharges.

- (2) Description of stored chemicals.
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition of limitation under sections 122-469 and 122-470, with procedures for followup written notification within five days.
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

(Code 1975, § 34.5-115)

Sec. 122-474. - Bypass.

- (a) *Generally.* An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to subsections (b) and (c) of this section.
- (b) *Notice.*
 - (1) If an industrial user knows in advance of the need by a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.
 - (2) An industrial user shall orally notify the POTW of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours of becoming aware of the bypass. A written report shall also be provided within five days of becoming aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
- (c) *Prohibited.*
 - (1) Bypass is prohibited, and the POTW may take enforcement action against an individual user for a bypass, unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - b. There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal period of equipment downtime or preventative maintenance; and
 - c. The industrial user submitted notices as required by subsection (b) of this section.
 - (2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (c)(1) of this section.

(Code 1975, § 34.5-116)

Sec. 122-475. - Notification requirements.

- (a) *Potential problems.* Industrial users shall immediately notify the POTW by telephone at 459-3464 of any discharge that could cause problems to the POTW, including any slug discharges or upsets, as defined by section 122-466.
- (1) The notification shall include the following:
- The date, time, location and duration of the discharge;
 - The type of waste including concentration and volume; and
 - The corrective actions taken by the user.
- (2) Within five days following such a discharge, the user shall submit a written report describing the cause of the discharge and the measures that have been or will be taken by the user to prevent similar future discharges.
- (3) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this article or other applicable state or federal law.
- (b) *Changed discharge.* Every industrial user shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under section 122-476.
- (c) *Changed flows.* Industrial users operating under a discharge permit incorporating alternative categorical discharge limits shall immediately notify the POTW of any significant change in any of the flow rates used to calculate the alternative discharge limit. Industrial users shall also notify the POTW at least 90 days before any new wastestream is discharged to the sewer system.
- (d) *Changed production.* Industrial users operating under a discharge permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the POTW within two business days after the user has a reasonable basis to know that the longterm production or flow rate will change by more than 20 percent.

(Code 1975, § 34.5-117)

Sec. 122-476. - Hazardous waste notification.

- (a) Except as specified in subsection (e) of this section, industrial users shall notify the POTW, the EPA region V waste management division director, and the DNR bureau of solid and hazardous wastes in writing of any discharge to the POTW of any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261.
- (b) The hazardous waste notification shall include the following:
- (1) The name of the hazardous waste as set forth in 40 CFR 261;
 - (2) The EPA hazardous waste number;

- (3) The type of discharge (continuous, batch, or other); and
 - (4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the greatest degree economically practical.
- (c) If the industrial user discharges more than 100 kg of hazardous waste per calendar month to the POTW, the notification shall also include the following information to the extent such information is known to the user:
- (1) An identification of the hazardous constituents contained in the waste;
 - (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.
- (d) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that industrial users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days after the discharge of the hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged; however, notifications of changed discharges must be submitted under subsection 122-475(b).
- (e) An industrial user is exempt from the hazardous waste notification requirement during a calendar month in which it discharges 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.
- (Code 1975, § 34.5-118)

Sec. 122-477. - Employee training.

The industrial user shall permanently post a notice in a prominent place advising all employees to call 459-3464 if a discharge occurs that could cause problems to the POTW for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedures.

(Code 1975, § 34.5-119)

Sec. 122-478. - Recordkeeping.

- (a) Significant industrial users shall maintain records of all information resulting from any monitoring activities required by this article or any permit or order issued pursuant to this article. Such records for all samples shall include the following:
- (1) The date, exact location, method, sample type and time of sampling and the names of the persons taking the samples;
 - (2) The dates the analyses were performed;

- (3) The laboratory that performed the analyses;
 - (4) The analytical techniques and methods used; and
 - (5) The results of the analyses.
- (b) The industrial user shall retain for a minimum of three years all records of monitoring activities and results and shall make such records available for inspection and copying by the POTW. All records that pertain to the subject of special orders or any other enforcement litigation activities initiated by the city shall be retained by the user until all enforcement activities have concluded and all periods with respect to any and all appeals have expired.

(Code 1975, § 34.5-120)

Sec. 122-479. - Monitoring facilities.

- (a) Under this article, users shall provide and maintain in safe and proper condition, at their own expense, facilities to allow the authorized representatives of the POTW to inspect, sample or measure flows from wastewater subject to this article.
- (b) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.
- (c) If locating such facilities on a user's property would be impractical, the user may apply to the POTW for a right-of-way or for permission to construct on public property.

(Code 1975, § 34.5-121)

Sec. 122-480. - Analytical requirements.

All sampling and analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order under this article shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures approved by the EPA. All analyses shall be performed by a laboratory certified or registered by the state.

(Code 1975, § 34.5-122)

Sec. 122-481. - Confidential information.

Under this article, information and data about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as

trade secrets of the user. Any such requests must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(Code 1975, § 34.5-123)

Sec. 122-482. - Right of entry.

Representatives of the POTW, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this article and article VI of this chapter. Industrial users shall allow authorized representatives of the POTW access to all premises for the purpose of inspecting, sampling, measuring flows, examining records or copying records in the performance of their duties. Authorized representatives of the POTW shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training or wearing of special protective gear, the user shall make necessary arrangements at its own expense to enable authorized representatives of the POTW to enter and inspect the premises as guaranteed by this section.

(Code 1975, § 34.5-124)

Sec. 122-483. - Falsifying information.

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or the wastewater discharge permit nor shall any person falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.

(Code 1975, § 34.5-125)

Secs. 122-484—122-510. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 122-511. - Wastewater discharge permits.

- (a) *General permits.* It shall be unlawful for any significant industrial user (SIU) to contribute wastewater to the POTW without a wastewater discharge permit. All existing SIUs and all new SIUs proposing to contribute wastewater to the POTW shall obtain a wastewater discharge permit.

(b)

Permit application. A user required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city and accompanied by a permit fee as specified in section 122-552. Proposed new SIUs shall submit a permit application at least 90 days prior to contributing to the POTW. Existing users who will be required to be permitted after changing their wastewater volume or characteristics shall submit a permit application at least 90 days before the proposed wastewater is discharged to the sewer system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location of the facility, including the name of the owner and operator.
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including but not limited to those mentioned in section 122-470, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR 136, as amended. New industrial users should estimate their wastewater constituents and characteristics.
- (4) Time and duration of contribution.
- (5) Average daily and maximum daily wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, sampling locations and appurtenances by the size, location and elevation and a current water use schematic.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) The nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement signed by an authorized representative of the user and certified by a qualified professional regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment or O&M will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- b. No increment referred to in subsection (b)(9)a of this section shall exceed nine months.
 - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.
- (10) Each product and byproduct produced by type, amount, process and rate of production.
 - (11) Type and amount of raw materials processed (average and maximum per day).
 - (12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
 - (13) List of any environmental control permits held by or for the facility.
 - (14) Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

The POTW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the POTW may issue a wastewater discharge permit subject to terms and conditions provided in this article.

(c) *Contents.* Permits may contain, as appropriate, the following:

- (1) Statement of duration, including issuance and expiration dates.
- (2) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this article, and state and local law.
- (3) General and specific discharge prohibitions as established by sections 122-469 and 112-470.
- (4) Requirements to pay fees for the wastewater to be discharged to the POTW.
- (5) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.
- (6) Requirements for installation and maintenance of inspection and sampling facilities.
- (7) Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (8) Compliance schedules.
- (9) Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a national categorical standard or pretreatment requirement.
- (10) Requirements for collecting/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection.
- (11)

Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system.

- (12) Requirements for notification of spills, potential problems to the POTW, including slug loadings, upsets or violations.
- (13) Requirements for installation, operation and maintenance of pollution control equipment.
- (14) Requirements to develop and implement spill and slug control plans.
- (15) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (16) Statement of nontransferability.
- (17) Conditions for modification, suspension or revocation of the permit.
- (18) Any other conditions as deemed appropriate by the POTW to ensure compliance with this article and article VI of this chapter, state and federal pretreatment standards and requirements.

(Code 1975, § 34.5-131)

Sec. 122-512. - Permit duration.

Permits issued under this division shall be issued for a specified time period, not to exceed five years. If a user wishes to continue to discharge regulated wastewater after the expiration of the user's permit, the user shall apply for permit reissuance and submit a permit application at least 90 days prior to the expiration date of the user's existing permit.

(Code 1975, § 34.5-132)

Sec. 122-513. - Permit extension.

Under this division, an expired permit shall continue to be effective and enforceable until the permit is reissued, provided the user has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit.

(Code 1975, § 34.5-133)

Sec. 122-514. - Permit modifications.

The terms and conditions of a permit issued under this division may be subject to modification by the POTW at any time as limitations or requirements are identified in federal, state or local law or for other just causes. A permit may also be modified to incorporate conditions resulting from the issuance of an administrative order.

(Code 1975, § 34.5-134)

Sec. 122-515. - Permit transfer.

Wastewater discharge permits are issued to a specific user for a specific operation and location and are not transferable without prior approval by the POTW. The user must request the permit transfer at least 90 days before moving or changing ownership.

(Code 1975, § 34.5-135)

Sec. 122-516. - Enforcing authority.

The control authority shall enforce those provisions of this article and article VI of this chapter that come into jurisdiction of his office and shall make periodic inspections and inspections upon complaint to ensure such provisions are not violated.

(Code 1975, § 34.5-155)

Sec. 122-517. - Compliance monitoring and inspections.

- (a) The POTW shall monitor the wastewater from industrial users and inspect the premises of industrial users as often as necessary to ensure compliance with this article and article VI of this chapter, a permit or order issued under this article or article VI of this chapter or any other applicable pretreatment standards or requirements.
- (b) All costs incurred for the sample collection and analysis of the user's wastewater shall be charged to the user.

(Code 1975, § 34.5-156)

Sec. 122-518. - Compliance schedules.

If the POTW finds that an industrial user has violated or is violating any provision of this article and article VI of this chapter, a permit issued under this article or article VI of this chapter or any other applicable pretreatment standard or requirement, the POTW may request the user to submit a compliance schedule containing specific required actions to correct and prevent future violations. This schedule shall also include a final compliance date. The control authority may approve, conditionally approve or reject the compliance schedule. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the plan.

(Code 1975, § 34.5-157)

Sec. 122-519. - Publication of significant noncompliance.

The POTW shall annually publish in the area's largest daily newspaper a list of industrial users which were in significant noncompliance, as defined in section 122-466, with applicable pretreatment standards or requirements during the previous calendar year.

(Code 1975, § 34.5-158)

Sec. 122-520. - Enforcement responses.

- (a) *Informal notice.* Whenever the POTW finds an industrial user is in minor noncompliance of this article and article VI of this chapter, a permit issued or any other applicable pretreatment standard or requirement, the POTW may telephone the user or send a letter informing the user of the minor violation. If the violation is expeditiously corrected, the POTW may decide not to take further enforcement action.
- (b) *Notice of violation.* Whenever the POTW finds an industrial user is in violation of this article and article VI of this chapter, a permit issued or any other applicable pretreatment standard or requirement, the POTW may issue the user written notice of violation. Within 15 days of issuance of this notice, the user shall submit to the POTW a written response explaining the cause of the violation and what corrective action has been or will be taken to prevent future violations.
- (c) *Administrative order.* When the POTW finds that an industrial user has violated or continues to violate any provision of this article and article VI of this chapter, a permit issued or any other applicable pretreatment standard or requirement, the control authority may issue an order to the industrial user directing, that unless specific requirements are met and compliance is achieved within a specified period of time, the user may be fined and sewer service may be terminated.
- (d) *Administrative fines.* Any user who is found to have violated any provision of this article and article VI of this chapter, a permit or order issued or any other applicable pretreatment standard or requirement shall be subject to fines of up to \$1,000.00 per violation. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation.
- (e) *Civil penalties.* Any user who has violated or continues to violate any provision of this article and article VI of this chapter, a permit or order issued or any other applicable pretreatment standard or requirement shall be liable to the POTW for civil penalties of up to \$10,000.00 per violation per day. In addition to the penalties, the POTW may recover any expense, loss or damage incurred by the city including monitoring expenses and reasonable attorney's fees, court costs, and other expenses associated with enforcement activities.
- (f) *Termination of service.*
 - (1) Any user who violates or continues to violate any provision of this article and article VI of this chapter, a permit or order issued or any other applicable pretreatment standard or requirement shall be subject to suspension or termination of sewer service.
 - (2)

Any user notified by the POTW of a suspension or termination of sewer service or suspension or revocation of a wastewater discharge permit shall stop or eliminate the contribution. In an emergency, the order to cease discharge may be given by telephone. In nonemergency situations, an administrative order may be used to suspend or terminate sewer service. If the user fails to comply with the suspension or termination order, the control authority shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer connection.

- (3) The POTW shall not reinstate the wastewater discharge permit or the sewer service until proof of the elimination of the noncomplying discharge.

(Code 1975, § 34.5-159)

Sec. 122-521. - Amendment.

The control authority reserves the right to amend this article in part or in whole whenever it may be deemed necessary.

(Code 1975, § 34.5-162)

Sec. 122-522. - Conflict.

If any provision of this article is in conflict with other municipal ordinances, the former shall control.

(Code 1975, § 34.5-161)

Secs. 122-523—122-550. - Reserved.

DIVISION 3. - FEES

Sec. 122-551. - Purpose.

The purpose of this division is to provide for the recovery of costs for the implementation of the pretreatment program established in this article. The applicable charges and fees shall be evaluated periodically and amended as necessary to reflect the current costs of program implementation.

(Code 1975, § 34.5-141)

Sec. 122-552. - Charges and fees.

- (a) The POTW shall charge all SIUs an annual permit fee of \$2,500.00 per calendar year. The user shall receive a credit of \$1,500.00 if no pretreatment violations occurred during the previous calendar year or the user shall receive a credit of \$1,000.00 if such user was not in significant noncompliance at any time during the previous calendar year.

- (b) In addition to the permit fee, the user shall be charged for all sample collection and analyses of the user's wastewater. The sample collection and analysis charge shall be determined by the commercial laboratory retained by the POTW.
- (c) Additional costs shall be charged to industrial users on a case-by-case basis as the POTW may deem necessary to carry out the requirements contained in this article and article VI of this chapter.

(Code 1975, § 34.5-142)

Sec. 122-553. - Delinquent charges and fees.

- (a) Charges and fees assessed in accordance with section 122-552 shall be a debt due the city and shall be a lien against the property. If such debt is not paid within 20 days after it is due, it shall be deemed delinquent and may be recovered by civil action against the property owner or person. The city may also recover any expense associated with enforcement activities.
- (b) For failure to pay assessed charges and fees after they become delinquent, the city shall have the right to enter upon the property to remove or close sewer connections. The expense of such removal or closing may be recovered by civil action against the property owner or person. Sewer service shall not be restored until all charges and fees, including the expense of removal, closing and restoration have been paid.

(Code 1975, § 34.5-143)

Secs. 122-554—122-580. - Reserved.

DIVISION 4. - REPORTING

Sec. 122-581. - Baseline monitoring report.

- (a) Existing industrial users subject to a national categorical pretreatment standard shall submit a baseline report to the POTW within 180 days after the effective date of a categorical pretreatment standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later.
- (b) New sources, when subject to a national categorical pretreatment standard, shall submit at least 90 days prior to commencement of discharge to the POTW a report which contains the information listed in subsections (c)(1) through (4) of this section.
- (c) In support of the baseline report, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name and address of the facility, including the name of the operator and owner.
 - (2) List of any environmental control permits held by or for the facility.
 - (3)

A brief description of the nature, average rate of production and standard industrial classification of the operation carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes including sampling locations.

- (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following (new sources should estimate the information requested in this subsection):
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).
- (5) The industrial user shall identify the categorical pretreatment standards applicable to each regulated process, and shall comply with the following:
 - a. The user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
 - b. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
 - c. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the related wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit, along with supporting data shall be submitted to the POTW.
 - e. The user shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(6)

The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the categorical pretreatment standards.

- (7) If additional pretreatment or O&M will be required to meet the categorical pretreatment standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard.
- (8) The following conditions shall apply to any schedule submitted in response to subsection (c)(7) of this section:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable national categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - b. No increment referred to in subsection (c)(8)a of this section shall exceed nine months.
 - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.
- (9) Any other information as may be reasonably requested by the POTW.

(Code 1975, § 34.5-145)

Sec. 122-582. - Final compliance report.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements, as required under 40 CFR 403.12(b)(4)—(6). Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's longterm production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit

of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

(Code 1975, § 34.5-146)

Sec. 122-583. - Periodic compliance reports.

- (a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard or, for a new source, after commencement of the discharge into the POTW, shall submit to the POTW during the months of January and July, unless required more frequently in the pretreatment standard or by the POTW, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subsection 122-581(c)(4), except that the POTW may require more detailed reporting of flows.
- (b) Where the POTW has imposed mass limitations on the industrial user, the report shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- (c) For industrial users subject to equivalent mass or concentration limits established by the POTW, the report shall contain a reasonable measure of the user's longterm production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production or other measure of operation, the report shall include the user's actual average production rate for the reporting period.
- (d) Significant noncategorical industrial users shall submit to the POTW during the months of January and July, unless required more frequently by the POTW, a report describing the nature, concentration and flow of pollutants required to be reported by the POTW.

(Code 1975, § 34.5-147)

Sec. 122-584. - Monitoring and analysis.

- (a) If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation.
- (b) The reports required in subsections 122-583(a) and (d) shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The POTW shall require that

frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

- (c) If an industrial user subject to the reporting requirement in sections 122-581 through 122-583 monitors any pollutant more frequently than required by the POTW, in accordance with the conditions and procedures prescribed in the user's wastewater discharge permit, the results of this monitoring shall be included in the report.
- (d) The reports required by sections 122-581 through 122-583 shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii) and shall be signed by an authorized representative of the industrial user.

(Code 1975, § 34.5-148)

Secs. 122-585—122-600. - Reserved.