

**CHAPTER 916**  
**Wastewater Pretreatment**

<b>916.01</b>	<b>Purpose and policy.</b>	<b>916.12</b>	<b>Revocation of permit.</b>
<b>916.02</b>	<b>Definitions.</b>	<b>916.13</b>	<b>Notification of violation; administrative adjustment.</b>
<b>916.03</b>	<b>Abbreviations.</b>	<b>916.14</b>	<b>Show cause hearing.</b>
<b>916.04</b>	<b>Substance discharge prohibitions.</b>	<b>916.15</b>	<b>Judicial proceedings.</b>
<b>916.05</b>	<b>Limitations on wastewater strength.</b>	<b>916.16</b>	<b>Enforcement actions; annual publication.</b>
<b>916.06</b>	<b>Accidental discharges.</b>	<b>916.17</b>	<b>Right of appeal.</b>
<b>916.07</b>	<b>Fees.</b>	<b>916.18</b>	<b>Operating upsets.</b>
<b>916.08</b>	<b>Strength surcharge.</b>	<b>916.19</b>	<b>Records retention.</b>
<b>916.09</b>	<b>Wastewater discharge permits.</b>	<b>916.20</b>	<b>Severability and conflict.</b>
<b>916.10</b>	<b>Reporting requirements for discharger.</b>	<b>916.21</b>	<b>Special agreements.</b>
<b>916.11</b>	<b>Emergency suspension of service and discharge permits.</b>	<b>916.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Use of public and private sewers - see S.U. & P.S. Ch. 912  
Sewerage generally - see S.U. & P.S. Ch. 913  
Sewer rates - see S.U. & P.S. Ch. 915

**916.01 PURPOSE AND POLICY.**

(a) This chapter sets forth uniform requirements for dischargers into the wastewater collection and treatment systems of the City of Lancaster, and enables the City to protect public health in conformity with all applicable local, State and Federal laws relating thereto.

(b) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- (2) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

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

(d) This chapter shall apply to the City of Lancaster and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City POTW shall administer, implement and enforce the provisions of this chapter. (Ord. 45-84. Passed 10-22-84.)

### **916.02 DEFINITIONS.**

(a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Act or the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) "Applicable pretreatment standard" means any pretreatment limit or prohibitive standard, whether Federal and/or local which is contained in this chapter and deemed to be the most restrictive which nondomestic users will be required to comply with.
- (3) "Approval authority" means the Director in an NPDES state with an approved State pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved State pretreatment program.
- (4) "Authorized representative of industrial user" means either:
  - A. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
  - B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
  - C. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (5) "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (6) "Average weekly discharge limitation" means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges, measured during a calendar week divided by the number of daily discharges measured during that week.
- (7) "Beneficial uses" mean uses which include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by State or Federal law.

- (8) "Building sewer" means a sewer conveying wastewater from the premises of a user to the POTW.
- (9) "Categorical pretreatment standards" mean National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial discharges.
- (10) "City" means the City of Lancaster, Ohio, or the Council of Lancaster, Ohio.
- (11) "Composite sample" means a composite sample should contain a minimum of eight discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples shall be required where the wastewater loading is highly variable.
- (12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (13) "Control authority" means the approval authority, as defined hereinabove, or the Superintendent if the City has an approved pretreatment program under the provisions of 40 CFR, 403.11.
- (14) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any twenty-four hour period that reasonably represents the calendar for purposes of sampling.
- (15) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Ohio.
- (16) (EDITOR'S NOTE: This subsection was repealed by Ordinance 26-91, passed June 10, 1991.)
- (17) "Easement" means an acquired legal right of the specific use of land owned by others.
- (18) "Environmental Protection Agency or EPA" means the U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.
- (19) "Garbage" means any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.
- (20) "Ground or shredded garbage" means garbage that is shredded to such a degree that all particles are carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half inch in dimension.
- (21) "Grab sample" means 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.
- (22) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (23) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW, including holding tank waste discharged into the system.

- (24) "Industrial user" means any industrial or commercial establishment manufacturing or processing facility that discharges industrial waste to a publicly-owned treatment works.
- (25) "Industrial waste" means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.
- (26) "Industrial waste permit" means a permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW.
- (27) "Effluent" means the water, together with any waste that may be present, flowing into a drain, sewer, receptacle or outlet.
- (28) "Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U. S. C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA, applicable to the method of disposal or use employed by the POTW.
- (29) "Major contributor" means a contributor that:
- A. Has a flow of more than 25,000 gallons per average workday;
  - B. Has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Federal Act;
  - C. Has a flow greater than five percent (5%) of the flow carried by the City system receiving the waste;
  - D. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules; or
  - E. Is found by the City, State or Federal EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- (30) "Maximum daily discharge limitation" means highest allowable daily discharge.
- (31) "May" indicates a discretionary condition.
- (32) "National categorical pretreatment standard or pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
- (33) "National prohibitive discharge standard or prohibitive discharge standard" means any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR, Section 403.5.
- (34) "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

- (34A) "Normal sewage" means sewage having an average daily suspended solids concentration of not more than 300 mg/l, and/or an average daily BOD of not more than 200 mg/l.
- (35) "NPDES" means the National Pollutant Discharge Elimination System permit program as administered by the USEPA or the State of Ohio.
- (36) "NPDES permit" means the National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- (37) "Other wastes" mean decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.
- (38) "Person" means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their legal representatives, agents or assigns. The masculine gender includes the feminine, and the singular includes the plural, where indicated by the context.
- (39) "Pollution" means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man induced alteration of the chemical, physical, biological and radiological integrity of water.
- (40) "Pollutant" means any substance discharged into a POTW or its collection system, listed in this chapter and the list of priority pollutants or any substance which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations or physiological manifestations as defined in standards issued pursuant to Section 307 (a) of the Act.
- (41) "Pollutant parameters" include the following:
- A. "Biological Oxygen Demand (BOD)" of sewage, sewage effluent, polluted waters or industrial wastes means the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at twenty degrees Centigrade. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.
  - B. "Chemical Oxygen Demand (COD)" of sewage, sewage effluent, polluted waters or industrial wastes means a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.
  - C. "Fecal coliform" means any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

- D. "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
  - E. "Grease and oil" means a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with Standard Methods.
  - F. "Grease and oil of animal and vegetable origin" means substances that are of a less readily biodegradable nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.
  - G. "Grease and oil of mineral origin" means substances that are less readily biodegradable than grease and oil of animal and vegetable origin; and are derived from a petroleum source. Such substances include machinery lubricating oil, gasoline station wastes, petroleum refinery wastes, storage depot wastes.
  - H. "pH" means the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
  - I. "Suspended solids" means solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in Standard Methods.
  - J. "Total solids" means the sum of suspended and dissolved solids.
  - K. "Volatile organic matter" means the material in the sewage solids transformed to gases or vapors when heated at 550 degrees Centigrade for 15 to 20 minutes.
  - L. Any other pollutant parameter deemed appropriate.
- (42) "POTW" means any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.
- (43) "Pretreatment or treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, or other means except as prohibited by 40 CFR Section 403.6(d).
- (44) "Pretreatment requirements" mean any substantive or procedural requirement related to pretreatment, other than a National pretreatment standard imposed on an industrial user.
- (45) "Receiving stream" means the watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.

- (46) "Sewage" means water-carried human wastes or a combination of water carried wastes from residence, business, buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.
- (47) "Sewer" means any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
- (48) " Shall" is mandatory.
- (49) "Sludge" means any solid, semi-solid or liquid waste generated from a Municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402, 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act PL 94-580.
- (50) "Slugload" means any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
- (51) "State" means the State of Ohio.
- (52) "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (53) "Standard Methods" mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (54) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (55) "Superintendent" means the person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.
- (56) "Toxic amount" means concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-599.
- (57) "Toxic pollutant" means those substances referred to in Section 307 (a) of the Act as well as any other known potential substances capable of producing toxic affects.
- (58) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to sanitary sewers and wastewater treatment facilities provided.
- (59) "Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

- (60) "User" means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- (61) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water or storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (62) "Wastewater constituents and characteristics" mean the individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality and strength of wastewater.
- (63) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- (64) "Waters of the State" mean all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof. (Ord. 45-84. Passed 10-22-84.)

#### **916.03 ABBREVIATIONS.**

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand.
CFR	Code of Federal Regulations.
COD	Chemical Oxygen Demand.
EPA	Environmental Protection Agency.
l	liter.
mg	milligrams.
mg/l	milligrams per liter.
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly Owned Treatment Works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	United States Code.
TSS	total suspended solids.

(Ord. 45-84. Passed 10-22-84.)

#### **916.04 SUBSTANCE DISCHARGE PROHIBITIONS.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to National categorical pretreatment standards or any other National, State or local pretreatment standards or requirements. A user may not contribute the following substances to any public sewer:

- (a) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, wastestream with a closed cup flashpoint of less than 140° Fahrenheit or 60° Centigrade, using the test method specified in 40 CFR 261.21.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or cause interference or pass through at the wastewater treatment facilities, such as, but not limited to grease, garbage with particles greater than one-half inch in any dimensions, animal guts or tissues, paunch manure, bones, hair, hides or

- fleshings, entrails, whole blood, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, mud, petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin or glass grinding or polishing wastes. (Ord. 26-91. Passed 6-10-91.)
- (c) Any wastewater having a pH less than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system. (Ord. 18-94. Passed 5-9-94.)
  - (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in this chapter or a categorical pretreatment standard. A toxic pollutant includes but is not limited to any pollutant identified pursuant to Section 307 (a) of the Act.
  - (e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  - (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
  - (g) Any substance which will cause the POTW to violate its NPDES and/or State disposal system permit or the receiving water quality standards.
  - (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C. (104° F.).
  - (j) Any slugload, which means any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
  - (k) Any unpolluted water including, but not limited to noncontact cooling water unless the POTW is designated as a combined sewer.
  - (l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
  - (m) Any wastewater which causes a hazard to human life or creates a public nuisance. (Ord. 45-84. Passed 10-22-84.)
  - (n) Hauled septic or industrial wastes, except at locations and at times as designated by the Superintendent. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the Superintendent, or without the expressed permission of the Superintendent, shall be considered a violation and shall be subject to enforcement action, including fines and penalties allowed under this chapter. (Ord. 26-91. Passed 6-10-91.)

**916.05 LIMITATIONS ON WASTEWATER STRENGTH.**

(a) Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal categorical pretreatment standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(b) Modification of Federal Standards. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the Federal pretreatment standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) of Title 40 of the Code of Federal Regulations, Part 403 "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(c) State Requirements. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this chapter or any other applicable ordinance.

(d) Right of Revision. The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 916.01.

(e) Dilution. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. (Ord. 45-84. Passed 10-22-84.)

(f) Supplementary Limitations. No discharger shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following values:

	INDUSTRIAL EFFLUENT LIMITATIONS
<u>MATERIALS</u>	<u>MAX./DAY (mg/l)</u>
Arsenic	0.0525
Barium	3.302
Cadmium	0.141
Cyanide-Total	0.136
Mercury	0.0002
Molybdenum	4.25
Silver	0.021
Strontium	4.902
Oil and Grease	100

Any other pollutants of concern shall be controlled in the industrial users control document (permit) based on mass proportioning of these pollutants. Annual review and proportioning shall occur by the City, with written notification provided to the user. (Ord. 15-04. Passed 3-22-04.)

### **916.06 ACCIDENTAL DISCHARGES.**

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan within ninety days of the effective date of this section. No user who commences contribution to the POTW after the effective date of this section shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge or the occurrence of a slugload, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Written Notice. Within five days following an accidental discharge or the occurrence of a slugload, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil or criminal penalties, or other liability which may be imposed by this chapter or other applicable law.

(c) Notice of Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 45-84. Passed 10-22-84.)

### **916.07 FEES.**

(a) Cost Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

- (b) Charges and Fees. The City may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
  - (2) Fees for monitoring, inspections and surveillance procedures;
  - (3) Fees for reviewing accidental discharge procedures and construction;
  - (4) Fees for permit applications;
  - (5) Fees for filing appeals;
  - (6) Fees for consistent removal by the City of pollutants otherwise subject to Federal pretreatment standards;
  - (7) Other fees as the City may deem necessary to carry out the requirements contained herein.

(c) Separate Fees. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the City. (Ord. 45-84. Passed 10-22-84.)

**916.08 STRENGTH SURCHARGE.**

(a) Every person, firm or corporation whose premises are served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids, other than normal sewage, either directly or indirectly into the sewerage system under the jurisdiction of the City, shall be charged and shall pay a sewage surcharge in addition to the sewerage service charge for normal domestic sewage.

(b) The basis of the surcharge shall be determined on the following constituents of the water or wastes that are in excess of "normal sewage":

- (1) Total suspended solids;
- (2) C.B.O.D., five days at 20 degrees Centigrade;

When any or all of the total suspended solids or C.B.O.D. of a water or waste accepted for admission to the City sewage works exceeds the values of these constituents for normal domestic sewage, payment of the treatment surcharge will be computed as the cost of treating the excess quantities of waste based upon the weight in units of 100 pounds.  
(Ord. 45-34. Passed 10-22-84.)

(c) Strength surcharges are hereby established as follows:

<u>Pollutant Parameters</u>	<u>Cost Per 100 Pounds</u>
Carbonaceous Biochemical Oxygen Demand	\$25.04
Suspended Solids	\$15.26
Effective January 1, 2005	
Carbonaceous Biochemical Oxygen Demand	\$26.29
Suspended Solids	\$16.02
Effective January 1, 2006	
Carbonaceous Biochemical Oxygen Demand	\$27.61
Suspended Solids	\$16.82
Effective January 1, 2007	
Carbonaceous Biochemical Oxygen Demand	\$28.99
Suspended Solids	\$17.67
Effective January 1, 2008	
Carbonaceous Biochemical Oxygen Demand	\$30.44
Suspended Solids	\$18.55

(Ord. 47-04. Passed 8-23-04.)

(d) Industrial waste surveillance charge is hereby established at one hundred eighty dollars (\$180.00) each time monitored.

(e) Water Pollution Control Fund. Funds received from the strength surcharge and the industrial waste surveillance charge shall be deposited in the Water Pollution Control Fund.

(f) Charge Adjustment.

- (1) Each year on or before July 1, the Superintendent of the Water Pollution Control Department shall submit to the Service-Safety Director a recommended system of strength surcharges, surcharges and industrial waste surveillance charges. If approved, the Director shall submit the schedule of charges at the first regular meeting in October of Council for ratification and incorporation into the City ordinances.

- (2) The system shall be in accordance with the following requirements:

Strength Surcharge.

The cost of treating and handling the extra strength constituents of B.O.D. and suspended solids shall be determined and reported in the schedule at a cost per 100 pounds.

Industrial Waste Surveillance Costs.

The cost shall be determined by calculating the actual cost of gathering samples, testing and reporting the results of analysis and distributing the cost proportionately to the appropriate customers.

(Ord. 45-84. Passed 10-22-84.)

**916.09 WASTEWATER DISCHARGE PERMITS.**

(a) Required. It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW without a permit issued by the City.

(b) Connecting or Discharging. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. All existing industrial dischargers connected to or discharging to the POTW shall obtain a wastewater discharge permit within ninety days after the effective date of this section.

(c) Permit Application. Industrial dischargers shall complete and file with the City, a permit application therefor in the form prescribed by the City, accompanied by the appropriate fee. Existing industrial dischargers shall apply for a wastewater discharge permit within thirty days after the effective date of this section, and proposed new dischargers shall apply at least ninety days prior to connecting to the POTW. No discharge permit shall be issued unless the following conditions have been met:

- (1) Disclosure of name, address and location of the discharger;
- (2) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this chapter as determined by bonafide chemical and biological analysis. Sampling and analysis shall be performed in accordance with procedures established by the U. S. EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Disclosure of time and duration of discharge;
- (5) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility;
- (6) 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;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;

- (8) Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this chapter;
- (9) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, 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. 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 milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.
  - B. Under no circumstance shall the City permit a time increment for any single step directed toward compliance which exceeds nine months.
  - C. Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City.
- (10) Disclosure of each product produced by type, amount, process or processes, and rate of production;
- (11) Disclosure of the type and amount of raw materials utilized (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) Any other information as may be deemed by the City to be necessary to evaluate the permit application;
- (14) All permit applications for new or modified permits shall be signed by a principal executive officer of the discharger, and a licensed professional engineer and all renewal applications for existing permits shall be signed by a principal executive officer of the discharger.

The City will evaluate the complete application and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the City shall issue a wastewater discharge permit subject to terms and conditions provided herein.

(d) Permit Modification. The City reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the City with applicable laws and regulations. Within nine months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of each discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National categorical pretreatment standards adopted after adoption of this section shall be adopted by the City as part of this chapter. Where a discharger, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 916.09, the discharger shall apply for a wastewater discharge permit from the City within 180 days after the promulgation of the applicable National categorical pretreatment standard by the U. S. EPA. In addition, any discharger with an existing wastewater discharge permit shall submit to the City within 180 days after the promulgation of an applicable National categorical pretreatment standard, the information required by Section 916.09(c)(8) and (9). The discharger shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports, per subsection (d) hereof;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- (9) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges as per Section 916.06(a);
- (11) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(f) Permit Duration. All wastewater discharge permits shall be issued and shall be in force until the discharger ceases operation, subject to amendment or revocation at any time as provided in this chapter. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date. In the event that a permit is issued for a stated period or with a specific expiration date the discharger shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Sections 916.04 and 916.05 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Permit Transfer. Wastewater discharge permits are issued to a specific discharger for a specific operation at a specific location. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new discharger, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or discharger shall also comply with the terms and conditions of the existing permit. A wastewater discharge permit shall not be transferred to a new location. (Ord. 45-84. Passed 10-22-84.)

#### **916.10 REPORTING REQUIREMENTS FOR DISCHARGER.**

(a) Compliance Data Report. Within ninety days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter or ninety days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance (O & M) and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger, and certified by a professional engineer licensed to practice in Ohio. (Ord. 45-84. Passed 10-22-84.)

(b) Periodic Compliance Report.

- (1) Any discharger subject to a pretreatment standard, or at the discretion of the Superintendent, shall submit to the City on or before each June 30 and December 31, unless required more frequently by the City, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, it shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in subsection (a) hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques.
- (2) Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. The frequency of monitoring by the discharger shall be as prescribed in the applicable pretreatment standard or wastewater discharge permit issued hereunder.

- (3) All analysis shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, the sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.  
(Ord. 26-91. Passed 6-10-91.)

(c) Monitoring Facilities.

- (1) Each discharger shall provide and operate at the discharger's own expense, a monitoring facility to allow inspections, sampling and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.
- (2) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches diameter and an internal diameter of no less than forty-eight inches containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this chapter.
- (3) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.
- (4) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by discharger.

(d) Inspection and Sampling. The City may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the City or its representatives, upon presentation of credentials of identification, to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination. The City shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a discharger has security measures in force which would require proper identification and clearance before entry into their premises, the discharger shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay for the purposes of performing their specific responsibilities.

(e) Confidential Information.

- (1) Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

- (2) When requested by a discharger furnishing a report, the portions of a report which may 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 chapter, the National Pollutant Discharge Elimination System (NPDES) permit, State disposal system permit and/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 discharger furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.
- (3) Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City unless a ten-day notification is given to the discharger.  
(Ord. 45-84. Passed 10-22-84.)

(f) Signatory Requirements. All reports under this section shall include the certification statement as set forth in 40 CFR 403.6 (a)(2)(ii) and shall be signed by:

- (1) A president, secretary, treasurer or vice president of a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or
- (3) A duly authorized representative of the above, if the authorization is previously made in writing to the Superintendent.

(g) Notification of Changes in Discharge. All industrial users shall notify the City 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 40 CFR 403.12(P). (Ord. 26-91. Passed 6-10-91.)

### **916.11 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS.**

The City may for good cause shown suspend the wastewater treatment service to a discharger when it appears to the City that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, a substantial danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits imposed by this chapter or any wastewater discharge permit issued pursuant to this chapter. Any discharger notified of the suspension of the City's wastewater treatment service and/or the dischargers wastewater discharge permit, shall within a reasonable period of time, as determined by the City, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the City shall take such steps as deemed necessary including immediate severance of the sewer connection and shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above. A detailed written statement submitted by the discharger describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen days of the occurrence.  
(Ord. 45-84. Passed 10-22-84.)

**916.12 REVOCATION OF PERMIT.**

The City may revoke the permit of any discharger which fails to:

- (a) Factually report the wastewater constituents and characteristics of its discharge;
- (b) Report significant changes in operations or wastewater constituents or characteristics;
- (c) Refuses reasonable access to the discharger's premises by representatives of the City for the purpose of inspection or monitoring; or
- (d) Violates the conditions of its permit or this chapter, or any final judicial order entered with respect thereto. (Ord. 45-84. Passed 10-22-84.)

**916.13 NOTIFICATION OF VIOLATION; ADMINISTRATIVE ADJUSTMENT.**

Whenever the City finds that any discharger has engaged in conduct which justifies revocation of a wastewater discharge permit, pursuant to Section 916.12, the City shall serve or cause to be served upon such discharger, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing to the City, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. (Ord. 45-84. Passed 10-22-84. )

**916.14 SHOW CAUSE HEARING.**

Where the violation specified in Section 916.12 is not corrected by timely compliance by means of administrative adjustment, the City may order any discharger which causes or allows conduct prohibited by Section 916.12, to show cause before the City or its duly authorized representative, why the proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the City or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the City which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or State law. (Ord. 45-84. Passed 10-22-84.)

**916.15 JUDICIAL PROCEEDINGS.**

Following the entry of any order by the City with respect to the conduct of a discharger contrary to the provisions of Section 916.12, the City Law Director may, following the authorization of such action by Council, commence an action for appropriate legal and/or equitable relief in the appropriate local court. (Ord. 45-84. Passed 10-22-84.)

**916.16 ENFORCEMENT ACTIONS; ANNUAL PUBLICATION.**

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

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) 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;

- (b) Technical review criteria (TRC) violation, defined here as those in which thirty-three percent (33%) 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, fats, oil and grease, and 1.2 for all other pollutants, except pH);
- (c) Any other violations of a pretreatment effluent limit (daily maximum or longer term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- (f) Failure to provide, within thirty days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; and
- (h) Any other violation, or group of violations, which the Superintendent determines will or has adversely affected the operation or implementation of the City's pretreatment program. (Ord. 26-91. Passed 6-10-91.)

#### **916.17 RIGHT OF APPEAL.**

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger or deals with matters of performance or compliance with this chapter or deals with a wastewater discharge permit issued pursuant thereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law. (Ord. 45-84. Passed 10-22-84.)

#### **916.18 OPERATING UPSETS.**

(a) Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a wastewater discharge permit issued pursuant hereto shall inform the City thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the City within five days. The report shall specify:

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

(b) A documented and verified bonafide operation upset shall be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter or any wastewater discharge permit issued pursuant thereto which arises out of violations alleged to have occurred during the period of the upset. (Ord. 45-84. Passed 10-22-84.)

#### **916.19 RECORDS RETENTION.**

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 45-84. Passed 10-22-84.)

#### **916.20 SEVERABILITY AND CONFLICT.**

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

(b) All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (Ord. 45-84. Passed 10-22-84.)

#### **916.21 SPECIAL AGREEMENTS.**

No statement in this chapter shall be construed as preventing any special agreement or arrangement between the Water Pollution Control Department and any person, with the approval of the Mayor and/or Service-Safety Director, whereby a waste of unusual strength or characteristic may be accepted by the P.O.T.W. Under no circumstances however, will any special agreement supersede compliance with State or federal pretreatment requirements. (Ord. 5-89. Passed 1-23-89.)

#### **916.99 PENALTY.**

(a) Violation and Punishment. Any discharger violating an order of the City or failing to comply with any provision of this chapter, and the regulations or rules of the City, or orders of any court of competent jurisdiction, or permits issued hereunder, shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5, 000) or imprisoned for not more than six months, or both. Each day in which any violation continues shall be deemed a separate offense.

(b) Recovery of Costs Incurred by City. Any discharger violating any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the discharge, for the costs incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of Section 918.12.

(c) Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (Ord. 45-84. Passed 10-22-84.)

(d) Civil Penalties.

(1) Any industrial user who has violated or continues to violate any provision of this chapter, or any order or permit issued hereunder, shall be liable for a civil penalty of up to one thousand dollars (\$1,000) per day, per violation, for as long as the violation(s) continue, plus any cost of damages incurred by the POTW. In addition to the above penalties and costs of damage, the City may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(e) Administrative Fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or any order or permit issued hereunder, shall be liable to the Superintendent for an administrative fine in an amount not to exceed one thousand dollars (\$1,000) per day. Each day of which noncompliance shall occur or continue, shall be deemed a separate and distinct violation.

Industrial users desiring to dispute such fines shall file a request for the Superintendent to reconsider the fine within ten days of being notified of the fine. Where the Superintendent believes a request has merit, he shall convene a hearing on the matter within fifteen days of receiving the request from the industrial user. Any administrative fine shall be assessed in the form of an invoice, payable to the Water Pollution Control Fund.

(Ord. 26-91. Passed 6-10-91.)