

## ARTICLE I. IN GENERAL

### Sec. 44-1. Gas main connections--City's authority to require.

Before any street, highway, avenue, alley or public ground is permanently improved, the city council, by the passage of a resolution, may require connections from gas mains to be made by the owners of abutting property to the curblineline of such property, and a notice of such requirements shall be given to the property owners as herein provided for.  
(Code 1976, § 36-1)

### Sec. 44-2. Same--Notice to owners.

As soon as the resolution requiring connections to be made as provided for in section 44-1, is passed and adopted by the city council, a written notice shall be served upon all persons owning property along the street, avenue or alley proposed to be improved, which notice shall order such property owner to make connections to the curblineline with gas mains located in such streets, and thereupon it shall be the duty of the owners of such property to comply with such notice. The notice shall prescribe whether or not more than one connection is required to be made and the description of the lot or parcel or real estate to which the same is to be made and, in each instance, such owner shall be advised of the number of connections that are required to be made.  
(Code 1976 § 36-2)

### Sec. 44-3. Same--City's authority to make.

If a property owner upon whom notice has been served pursuant to section 44-2 to make the connections as provided for in section 44-1, should fail or refuse to make such connections within the time provided for in such notice, then the city council may proceed to have said connections made upon a contract made and entered into for that purpose and the cost of making such connections shall be assessed to the property owner and shall be collected in the same manner as other special assessments are collected, except that the whole amount of such assessments shall become due at once and shall not be payable in installments.  
(Code 1976, § 36-3)

### Sec. 44-4. Same--When completion is required.

The resolution passed by the city council pursuant to section 44-1 and the notice that is served upon the property owner shall prescribe the time within which connections are to be made with such mains as provided for in such resolution, and this notice shall be final unless the time is extended by the city council upon application made therefore, or if conditions should arise which would make it impossible for the property owner to make the connections required.  
(Code 1976, § 36-4)

### Sec. 44-5--44-10. Reserved.

## ARTICLE II. SEWERS AND SEWAGE DISPOSAL

### DIVISION 1. GENERALLY

### Sec. 44-11. Definitions and rules of construction.

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

B.O.D. (denoting biochemical oxygen demand) shall mean the quantity of

oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter.

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

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

City manager shall mean the city manager, or the city manager's designee, of the City of Dubuque, Iowa.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Contributor refers to any person, firm or corporation responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the city's sewer system.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

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

Person shall mean any individual, firm, company, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any direction.

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

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be presented.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; may is permissive.

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5)

times the average twenty-four (24) hour concentration or flows during normal operation.

Storm drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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

Water Pollution Control Plant shall mean any arrangement of devices and structures used for treating sewage.

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

(Code 1976, § 36-11)

Cross reference--Rules of construction and definitions generally, § 1-2.

**Sec. 44-12. Notice of violation; penalty; indemnity to city.**

(a) (Except as otherwise provided), any person found to be violating any provision of this article, except section 44-23, shall be served by the city with written notice stating the nature of the violation and providing a ten-day limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The provisions hereof shall not apply to section 44-33 and section 44-34 of Division 2 of Article II.

(b) Any person who shall continue any violation beyond the time limit provided for in paragraph (a) above shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation, or be imprisoned for not more than thirty (30) days. Each day in which any violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Code 1976, § 36-11.1)

**Sec. 44-13. Noncomplying disposal methods prohibited.**

(a) Deposits on public or private property. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Dubuque, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste, except in accordance with the provisions of this article.

(b) Discharges to natural outlets. It shall be unlawful to discharge to any natural outlet within the City of Dubuque, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.

(c) Privies, privy vaults, septic tanks, etc. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except in accordance with the provisions of this article.

(Code 1976, § 36-12)

Cross reference--Unlawful deposits in or along water, § 10-22.

**Sec. 44-14. Connection to public sewer--Required.**

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, right-of-way or easement in which there is now located, or may in the future be located, within two hundred (200) feet of the property line thereof, a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of Ordinance No. 48-70 [See Ch. 37 of the Code] requiring the making of connections with sanitary sewers and providing for the manner of making such connections.

(Code 1976, § 36-13)

**Sec. 44-15. Same--Exception.**

Where a public sanitary sewer is not available under the provisions of section 44-31 herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Division 3 of this article.

(Code 1976, § 36-14)

**Sec. 44-16. Same--Costs and expense to be borne by owner.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1976, § 36-15)

**Sec. 44-17. Connections prior to improving streets--city's authority to require.**

Before any street, highway, avenue, alley or public ground is permanently improved, the city council, by the passage of a resolution, may require connections from sewer mains to be made by the owners of abutting property to the curblin e of such property, and a notice of such requirements shall be given to the property owners as provided for in section 44-18.

(Code 1976, § 36-16)

**Sec. 44-18. Same--Notice to owners.**

As soon as the resolution requiring connections to the sewer mains to be made as provided for in section 44-17 is passed and adopted by the city council, a written notice shall be served upon each person owning property along the street, avenue or alley proposed to be improved, which notice shall order such property owner to make connections to the curblin e with sewer mains located in such streets, and thereupon it shall be the duty of the owners of such property to comply with such notice. The notice shall prescribe whether or not more than one connection is required to be made and the description of the lot or parcel of real estate to which the same is to be made and, in each instance, such owner shall be advised of the number of connections that are required to be made.

(Code 1976, § 36-17)

**Sec. 44-19. Same--When completion is required.**

The resolution passed by the council pursuant to section 44-17 and the notice that is served upon the property owner shall prescribe the time within which connections are to be made with such mains as herein provided for, and this notice shall be final unless the time is extended by the city council upon application made therefore, or if conditions should arise which would make it impossible for the property owner to make the connections required.

(Code 1976, § 36-18)

**Sec. 44-20. Same--Performance of work by city; collection of costs.**

If the property owner upon whom notice has been served pursuant to section 44-18 to make the connections as provided for in such section should fail or refuse to make such connections within the time provided for in the resolution and notice, then the city council may proceed to have such connections made upon a contract made and entered into for that purpose and the cost of making such connections shall be assessed to the property owner and shall be collected in the same manner as other special assessments are collected, except that the whole amount of such assessments shall become due at once and shall not be payable in installments.

(Code 1976, § 36-19)

**Sec. 44-21. Sewer installation to conform with city plumbing ordinances, rules and regulations.**

The construction of and the connection of the building sewer to and into the public sewer shall conform to the requirements of the plumbing ordinances or other applicable rules and regulations of the city.

(Code 1976, § 36-20)

**Sec. 44-22. Construction, maintenance and operation costs.**

The cost and expense of financing the construction and maintenance and the operation of the water pollution control plant shall be paid from the sewage rental fund as budgeted and appropriated therefore each fiscal year.

(Code 1976, § 36-22)

**Sec. 44-23. Destruction of sewage works property.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, any structure, appurtenance, or equipment which is a part of the sewage works.

(Code 1976, § 36-23)

**Sec. 44-24. Sanitary sewer connection fees.**

(a) Any person desiring to connect a building sewer to a public sewer for property that has not previously been assessed for said sewer shall first pay a sewer connection fee to the city, which sanitary sewer connection fee may from time to time be amended by the city council.

(b) The sanitary sewer connection fee is hereby established at thirty dollars (\$30.00) per front foot of the property being serviced.

(c) Any and all resolutions previously adopted that establish any sewer connection fee are incorporated herein by reference and shall be subject to the sanitary sewer connection fee established herein.

(d) For all sanitary sewers that were constructed privately and dedicated to the city prior to the adoption of this section and which were the subject of previous resolutions, a portion of the connection fee shall be reimbursed to the person who constructed the sanitary sewer and in the amount and according to the procedure set forth in the original resolution establishing the connection fee.

(e) Nothing in this section shall be construed to establish any charge for the extension of a public sewer by the City of Dubuque, Iowa, or its permittees.

(Ord. No. 13-91, § 2-28-91)

**Secs. 44-25--44-30. Reserved.**

DIVISION 2. DISCHARGE REGULATIONS

**Sec. 44-31. Discharge of stormwaters and other unpolluted drainage.**

(a) Into sanitary sewer, sump pumps and sump pump connections prohibited. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, floor drains used for collecting stormwater, uncontaminated cooling water, or unpolluted industrial process waters, to any sanitary sewer. This section shall be construed to prohibit such discharge to any sanitary sewer from sump pumps or sump pump connections, and no person shall install, cause to be installed, or permit to be installed any sump pump or sump pump connection that discharges or causes such discharge to any sanitary sewer.

(b) Into storm sewers or natural outlets. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city manager, to a storm sewer or natural outlet. (Code 1976, § 36-29; Ord. No. 11-89, §§ 1, 2, 3-9-89)

**Sec. 44-32. Same-Air conditioning systems.**

(a) Except as otherwise specifically authorized or required by this section or Chapter 37 of this Code, it shall be unlawful to discharge any air conditioning water, drip pans, refrigeration water or cooling tower water, directly or indirectly, into any sanitary sewer or upon any public property, whether the water originated in a public or private water supply; provided, however, that such water may be discharged into a sanitary sewer if the same comes from equipment so designed that the total rate of discharge of this type of equipment from the premises served on such sewer could not exceed five (5) gallons per minute, but in no event shall the same be discharged either directly or indirectly upon any public roadway, walkway, street, alley or other public property.

(b) Separate water meters of the kind and type as specified by the water division may be installed in all instances where water from the public water supply is used for air conditioners, refrigeration or other processing and such clear water wastes are discharged to the storm sewer or disposed of by other means than the sanitary sewer; the purpose of metering such water will be used as a deduct quantity of water used for determination of the sewage service charge. (Code 1976, § 36-30)

**Sec. 44-33. Discharge of objectionable items.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, gases in sufficient quantity either singly or by interaction with other wastes to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the water pollution control plant, including but not limited to, cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.

- (3) Any waters or wastes having pH lower than five and five tenths (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Any waters or wastes having B.O.D. greater than three hundred (300) parts per million by weight, or containing more than three hundred and fifty (350) parts per million by weight of suspended solids, or having an average daily flow greater than two (2) percent of the average influent at the water pollution control plant, shall be subject to the review of the city manager. Where necessary, in the opinion of the city manager, the owner shall provide at the owner's expense such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or reduce the suspended solids to three hundred and fifty (350) parts per million by weight, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city manager, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Code 1976, § 36-31)

**Sec. 44-34. Discharge of harmful substances.**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the city manager that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the city manager will give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the water pollution control plant, and other pertinent factors.

The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150 degrees Fahrenheit, or sixty-five (65) degrees Celsius.
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit, or zero (0) and sixty-five (65) degrees Celsius.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric), or greater, shall be subject to the review and approval of the city manager.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

- (5) Any waters or wastes containing phenols or other taste - or odor-producing substances, in such concentrations exceeding the limit of five one-hundredths (0.05) milligrams per liter established by the city manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such half -life or concentration as may exceed limits established by the city manager in compliance with applicable state or federal regulations.
- (7) Any waters or wastes having a pH in excess of ten (10.0).
- (8) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the water pollution control plant.
  - d. Unusual volume of flow or concentration of wastes, constituting slugs as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the water pollution control plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge of the receiving waters.

(Code 1976, § 36-32)

Cross reference--See also Div. 6 of this article.

**Sec. 44-35. Authority of city manager to regulate discharge of harmful substances.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possesses the characteristics enumerated in section 44-34, and which in the judgment of the city manager may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city manager may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the city manager permits the treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city manager and subject to the requirements of all applicable codes, ordinances and laws.

(Code 1976, § 36-33)

**Sec. 44-36. Special agreements authorized to permit acceptance of industrial wastes of unusual strength or character.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern.  
(Code 1976, § 36-34)

**Sec. 44-37. Responsibilities of owners of preliminary treatment or flow-equalizing facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.  
(Code 1976, § 36-35)

**Sec. 44-38. Manholes, meters and sampling equipment for measuring industrial wastes.**

When required by the city manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters, sampling equipment, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city manager. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.  
(Code 1976, § 36-36)

**Sec. 44-39. Testing standards to determine characteristics of waters and wastes.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Division shall be determined in accordance with the latest of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.  
(Code 1976, § 36-37)

**Sec. 44-40. Authority of city manager to enter properties for purpose of testing discharges.**

(a) The city manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Division. The city manager or the city manager's representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private property referred to in paragraph (a) above, the city manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.  
(Code 1976, § 36-38)

**Sec. 44-41. Authority of city manager to enter on easement property for purposes of sewage works inspection and repair.**

The city manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.  
(Code 1976, § 36-39)

**Sec. 44-42--44-50. Reserved.**

DIVISION 3. PRIVATE DISPOSAL SYSTEMS

**Sec. 44-51. Permit required; application, form, and fee for permit.**

(a) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the city manager.

(b) The application for such permit shall be made on a form furnished by the city, and in addition shall include the following items:

- (1) A plan detailing the location and design of the septic tank and secondary treatment system;
- (2) The location of any wells or water distribution system within two hundred (200) feet of the premises;
- (3) The person who will do the work;
- (4) Percolation tests and an engineering evaluation of the soil conditions by a registered professional engineer in the State of Iowa; and
- (5) Other information as deemed necessary by the city manager.

(c) The permit form shall state that the issuance of said installation permit is conditioned upon the applicant complying with all provisions of this Division and specifically with section 44-55(a) which states as follows:

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days from the date of written notification by the city manager and the private disposal system abandoned in accordance with section 44-55(b) herein.

(d) A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the city at the time the application is filed.  
(Code 1976, § 36-43)

**Sec. 44-52. Issuance of permit; inspection and completion of installation as prerequisites to effectiveness.**

If the city manager, after an inspection of the premises and plans, shall find:

- (1) That the location and design is in accordance with the regulations of the Iowa Department of Natural Resources and the City of Dubuque;
- (2) That the disposal system is adequate for the premises to be served;

- (3) That it is not likely to create a nuisance to abutting property; and
- (4) That there is no public sewer within two hundred (200) feet of the premises,

the city manager shall issue a permit therefore, and advise the plumbing inspector. This permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city manager. The city manager shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours exclusive of Saturdays, Sundays and holidays, of the receipt of notice by the city manager.  
(Code 1976, § 36-44)

**Sec. 44-53. Connections to private disposal system to conform with city and state rules and regulations; additional requirements.**

(a) Notwithstanding the provisions of this Division, no such disposal system shall be connected to any house drainage system except in accordance with the provisions of the ordinances regulating plumbing.

(b) The type, capacities, location, and layout of a private sewage disposal system shall conform with all requirements of the Iowa Department of Natural Resources and the City of Dubuque.

No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(c) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City of Dubuque Health Services Division.  
(Code 1976, § 36-45)

**Sec. 44-54. Private disposal facilities not to be expense to city.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.  
(Code 1976, § 36-46)

**Sec. 44-55. Abandonment of private disposal system upon availability of public sewer.**

(a) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days from date of written notification by the city manager and the private disposal system abandoned in accordance with section 44-55(b) herein.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system pursuant to section 44-52, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, in accordance with instructions from the city manager.  
(Code 1976, § 36-47)

**Sec. 44-56. Authority of city manager to enter private property for purposes of inspection and testing; authority in event of extreme hazard.**

(a) The city manager shall have the right during reasonable hours and upon the consent of the occupant to enter an building or premises in the discharge of the city manager's official duties to make any inspection, reinspection or test that is reasonable necessary to project health, safety and welfare. Where the building or premises is unoccupied, the consent of the owner shall be obtained.

(b) If the city manager has reasonable cause to believe that any individual sewage disposal system constitutes an extreme hazard to persons or property, the city manager shall have the right to enter immediately and inspect such sewage disposal system and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied, and whether or not permission to inspection has been obtained. (Code 1976, § 36-48)

**Sec. 44-57. Remedy of city manager if refused entry to premises for purposes of inspection.**

In the event the city manager, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, a complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the city manager to enter such place for the purpose of making such inspection. (Code 1976, § 36-49)

**Sec. 44-58. Notice of violation; requirements.**

Whenever the city manager determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation or any rule or regulation adopted pursuant thereto, the city manager shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided.

Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons why it is being issued, citing the provisions of the regulation involved;
- (3) Allow ten (10) days for the performance of any act it requires;
- (4) Be served upon the owner or his agent or the occupant, as the case may require, provided that such notice shall be deemed properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon such owner, agent or occupant personally, or if a copy thereof is sent by certified mail to such owner's, agent's or occupant's last known address, or if a copy thereof is posed in a conspicuous place in or about the premises affected by the notice, or if such owner, agent or occupant is served with such notice by any other method authorized under the laws of the State of Iowa;
- (5) State that unless a condition described is corrected within the time specified therein, any permit issued under this regulation may be suspended, revoked, or court action initiated.

(Code 1976, § 36-50)

**Sec. 44-59. Appeals from orders of city manager.**

Any person aggrieved by any order made by the city manager shall have the right to appeal to the Dubuque city council by filing a written notice of such appeal with the Dubuque city council within ten (10) days of the date of such order. If such a notice is filed, the Dubuque city council shall set a

time and place for a hearing, and notify the party that has filed the appeal. The notice of the hearing shall be sent by certified mail. The Dubuque city council, by majority vote, shall modify, withdraw, or order compliance with said order. The aggrieved party may appeal any order of the Dubuque city council to the district court of Dubuque County, Iowa, within twenty (20) days of the date of such order.  
(Code 1976, § 36-51)

**Sec. 44-60--44-70. Reserved.**

DIVISION 4. PRIVATE HAULERS

**Sec. 44-71. Miscellaneous regulations.**

(a) Permits. All private haulers discharging sewage at the Dubuque water pollution control plant must secure a permit from the city on July first of each year. Cost of this permit will be fifty dollars (\$50.00) for each truck for discharging sewage at the water pollution control plant.

(b) Form. All haulers discharging sewage at the water pollution control plant must sign a form prior to discharging that product, which states the origin and type of product, and that the product does not contain any substance prohibited by, and conforms to, the provisions of section 44-34 "Discharge of Harmful Substance," Code of Ordinances, Dubuque, Iowa.

(c) Domestic type sewage. Only domestic type sewage may be discharged at the water pollution control plant, unless approval has been given by the city manager for other types of sewage.

(d) Industrial sewage. No industrial sewage may be discharged at the water pollution control plant without prior agreement with the city manager.

(e) Municipal sludge other than from city. No municipal sludge or sewage, other than from the City of Dubuque system, may be discharged at the water pollution control plant without prior agreement with the city manager.

(f) Fee per load. A fee of fifteen dollars (\$15.00) per load shall be charged for sewage discharged at the water pollution control plant.  
(Code 1976, § 36-53)

**Secs. 44-72--44.80. Reserved.**

DIVISION 5. RATES

**Sec. 44-81. Definitions.**

The following words and terms as used in this division shall be deemed to mean and be construed as follows:

Contributor refers to any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the city's sanitary sewer system.

Sewage service charge refers to any and all rates, charges, fees or rentals levied against and payable by the contributors, including special contracts or agreements which have been or may be negotiated by and between the city, commercial establishments, industries, manufacturing plants or corporations for the purpose of collecting rates, charges, fees or rentals.

Water division refers to the city water division.

Water pollution control plant refers to any and all units of the municipal sewage treatment system owned and operated by the city, including the interceptor sewer system, the pumping stations delivering sewage to the plant

and the outfall sewer system.

(Code 1976, § 36-54)

Cross reference--Rules of construction and definitions generally, § 1-2.

**Sec. 44-82. Purpose**

It is herein determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to levy and collect just and equitable charges, rates or rentals upon all lots, parcels of real estate and buildings that are connected directly or indirectly with the sanitary sewage system of the city, the proceeds of such charges or rentals so derived to be used for the purpose of constructing, operating, maintaining and repairing such water pollution control plant. (Code 1976, § 36-55)

**Sec. 44-83. Established.**

(a) Commencing with all billings on and after July 1, 1991, contributors whose property lies within the corporate limits of the city, except as otherwise provided in this division, shall pay to the city at the same time payment for water services is made, a sewer service charge computed on water consumption on the following rates.

(1) Basic charges. The sewer rates and charges shall be based on the quantity of water used on or in the property or premises. For all customers utilizing sewer service, bills will be issued on estimated consumption. For estimated billings, either on alternate months, or when a reading on a water meter is not obtainable for any reason consumption will be predicated on the monthly average of the past usage for the metered account. For estimated bills issued for an account in which historical data is not available, billing will be predicated on the minimum charge and related consumption identified in subsection (c)(7) for the size of the water meter in service for the particular account.

(2) Schedule of rates. Rates per each one hundred (100 cubic feet..... \$1.51

(3) Service charge:

a. When a parcel of real estate, property or building, discharging sanitary sewage, industrial wastes, water or other approved waste, either directly or indirectly into the city's sanitary sewer system, is not a user of water supplied by the city water division and the water used thereon or therein is not acceptable to the city, the amount of water used shall be determined by the city in such a manner as the city manager may elect to establish the rate of charge as provided in this Division, or the owner or other interested parties at their expense, may install and maintain a meter acceptable to the city for said purposes.

b. When a parcel of real estate, property or building, discharging sanitary sewage, industrial wastes, water or other approved waste, either directly or indirectly into the city's sanitary sewer system, is a user of water supplied by the city water division and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the city, the amount of water used shall be determined by the city in such a manner as the city manager may elect in order to establish the rate of charge as provided in this Division, or the owner or other interested parties at their expense may install and maintain a meter acceptable to the city for said purposes.

c. When a parcel of real estate, property or building, discharging sanitary sewage, industrial wastes, water or other approved waste, either directly or indirectly in to the city's sanitary sewer system, is not a user of water supplied by the city water division, the amount of sanitary sewage, industrial wastes, water or other approved waste discharged into the sanitary sewer system shall be determined by the city manager in such a manner as the city manager may elect in order to establish the rate of charge as provided in this Division, or the owner or other interested parties at their expense, may install and maintain a sewage meter acceptable to the city for said purposes.

d. The city council may, in its discretion, when applicable, permit connection to the city sanitary sewer system of properties located outside the corporate limits upon such terms and conditions as it may establish; provided, however, that such terms shall not be more favorable to such property than rates herein established for city users.

e. In order that the rates and charges may be modestly and equitably adjusted to the service rendered, the city shall have the right to base its charges not only on volume, but also on the strength and content of the sewage and wastes of the user. The city shall have the right to measure and determine the strength and content of all sewage and wastes discharged either directly or indirectly into the city's sanitary sewer system, in such manner and by such methods as it may deem practicable in the light of the conditions and circumstances of the case in order to determine the proper charge.

Extra charges will be applicable and negotiated with users on an individual account basis when concentration of the sewage exceeds three hundred (300) milligrams per liter of biochemical oxygen demand, three hundred fifty (350) milligrams per liter of suspended solids, or two (2) percent or more of the flow rate into the water pollution control plant.

f. The rates and charges may be billed the tenant and tenants occupying the properties being served, unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owner from liability in the event payment is not made as required in this Division.

g. Where the quantity of water consumed is such that the minimum service is charged, the minimum sewer service charge, according to the size of the meter, shall be as follows:

Meter Size (inches)	Minimum Charge	Allowance (cubic feet)
5/8	\$ 3.02	200
3/4	7.55	500
1 or larger	12.08	800

(Code 1976, § 36-56; Ord. No. 10-89, §§ 1, 2, 3-9-89; Ord. No. 16-90, §§ 1, 2, 2-27-90; Ord. No. 12-91, §§ 1, 2, 2-28-91)

**Sec. 44-84. Areas not served by public system.**

The rates, service charges, rentals or fees as provided in this Division shall become effective at the time sewage from the contributors is first directed to the sanitary sewer system. At the time sanitary sewers are constructed in areas not now served by a sanitary sewer system, contributors shall be granted a reasonable time to make connection to the sewer. The effective date of the sewage service charge and the reasonable time to connect to the sanitary sewer system will be determined by the city manager.  
(Code 1976, § 36-57)

**Sec. 44-85. Disposal of wastes from private facilities.**

Any contributor engaged in cleaning cesspools, septic tanks or privy vaults shall discharge all effluent into a designated location at the water pollution control plant. The rate for receiving such waste shall be determined by the city manager. It shall be unlawful for any contributor to place any effluent waste from cesspools, septic tanks or privy vaults in any other location in the city, except at the designated location at the water pollution control plant.

(Code 1976, § 36-58)

**Sec. 44-86. Lien for failure to pay.**

The city shall have a lien upon the real property served by the sanitary system for all delinquent rates and charges. Bills for sewage charges shall be delinquent when the same are unpaid for a period of fifteen (15) days following the due date, and if not paid, a penalty of five (5) percent shall be added to the sewage rental bill but such penalty shall not be less than fifty cents (\$0.50).

The city clerk shall certify, as of December thirty-first of each year to the Dubuque County treasurer for collection with and in the same manner as property taxes and to establish the real property liens, all charges which are delinquent.

(Code 1976, § 36-59)

**Sec. 44-87. Costs of collection.**

The actual cost of collecting and accounting for all sewer rentals or charges shall be a part of the cost of operating the water pollution control plant. The cost shall be paid from the sewage rental funds to the collection agent upon the city manager's certificate certifying to the amount.

(Code 1976, § 36-60)

**Secs. 44-88--44-100. Reserved.**

**DIVISION 6. INDUSTRIAL PRETREATMENT PROGRAM**

SECTION 44-101 GENERAL PROVISIONS

(a) Purpose and Policy

This Division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Dubuque, Iowa, and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 (Public Law 95-217) General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Division are to:

- (1) prevent the introduction of pollutants into the City's wastewater system which will interfere with the operation of the system or contaminate the resulting sludges;
- (2) prevent the introduction of pollutants into the City's wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be 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 City's wastewater system.

This Division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Division shall apply to the City of Dubuque, Iowa, and to persons outside the corporate boundaries of the City of Dubuque, Iowa, who are, by contract or agreement with the City, users of the City of Dubuque's Water Pollution Control Plant. Except as otherwise provided herein, the City Manager of the City of Dubuque, Iowa, shall administer, implement and enforce the provisions of this Division.

(b) Definitions

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

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) Approval Authority. The Director in an NPDES state with an approved State Pretreatment Program.
- (3) Approved POTW Pretreatment Program. A Program administered by a POTW that meets the criteria established in regulation 403.8 and 403.9 which has been approved by a Regional Administrator or State Director in accordance with 403.11 of the Act.
- (4) Authorized Representative of Industrial User. An authorized representative of an industrial user may be: a principal executive officer of at least the level of Vice President, if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; a duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the discharge originates.
- (5) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, measured at 5 days, 20 degrees centigrade, expressed in terms of concentration (milligrams per liter [mg/L]).
- (6) Building Sewer. A sewer conveying wastewater from the premises of a user into the City's wastewater system.
- (7) Bypass. "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
- (8) National Pretreatment Standard. The term "National Pretreatment Standard," "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes general and specific prohibitions found in 40 CFR 403.5
- (9) City. The City of Dubuque, Iowa, or the City Council of the City of Dubuque, Iowa.
- (10) City Manager. The City Manager of the City of Dubuque, Iowa, or designee.
- (11) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (12) Control Authority. The term "control authority" shall refer to the City Manager of the City of Dubuque, Iowa.
- (13) Direct Discharge. The discharge of treated or untreated waste -

- water directly into the waters of the State of Iowa.
- (14) Director. The Chief Administrative Officer of a State or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act and an approved State Pretreatment Program.
- (15) Environmental Protection Agency (EPA). 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 said Agency.
- (16) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (17) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump trucks.
- (18) Indirect Discharge. The discharge or the introduction of pollutants from any nondomestic source regulated under section 307(b), (c), or (d), of the Act, (33 U.S.C. 1317), into the POTW (including holding tanks wastes discharged into the system).
- (19) Industrial User. A source of indirect discharge.
- (20) Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, both:
- 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - 2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act [SWDA], (including Title II, more commonly referred to as the Resource Conservation and Recovery Act [RCRA]), and including State regulations contained in any State sludge management plan prepared (pursuant to Subtitle D of the SDWA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (21) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
- (22) New Source. The term "New Source" means any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - 2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - 3) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the

construc-

tion does not create a new building, structure, facility or installation meeting the criteria of paragraphs 2) or 3) of this section, but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin as part of a continuous on-site construction program:

- 1) Any placement, assembly, or installation of facilities or equipment; or
  - 2) Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (23) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (24) NPDES State. A State or Interstate water pollution control agency with an NPDES permit program approved pursuant to Section 402(b) of the Act.
- (25) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or duration of a violation).
- (26) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
- (27) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.
- (28) Pollution. The man-made or man-induced alternation of the chemical, physical, biological and radiological integrity of the water.
- (29) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (30) Pretreatment or Treatment. The reduction of the amount of pollutants, or the alteration of the nature of pollutants, the elimination of pollutants, or the alternation 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, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (31) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment

- Standard imposed on an industrial user.
- (32) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Division, "POTW" shall include any sewers that convey wastewater to the POTW from persons outside the corporate boundaries of the City who are, by contract or agreement with the City, users of the City of Dubuque's wastewater treatment facility.
- (33) POTW Treatment Plant. That portion of the POTW designed to provide treatment of municipal sewage and industrial waste.
- (34) Regional Administrator. The appropriate EPA regional administrator.
- (35) Severe Property Damage. "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.
- (36) Shall. is mandatory; May is permissive.
- (37) Significant Industrial User. The term Significant Industrial User means:
- 1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
  - 2) has a discharge flow of 25,000 gallons or more per average work day of process wastewater; or
  - 3) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic flow or organic capacity of the POTW Treatment Plant; or
  - 4) Is designated as such by the Control Authority 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 (in accordance with 40 CFR 403.8(f)(6))
- (38) Slug. A contribution that has a flow rate or contains concentrations or qualities of pollutants that exceed for any time period longer than 15 minutes more than 5 times the average 24 hour concentration, quantities or flow during normal operation.
- (39) State. State of Iowa.
- (40) Standard Industrial Classification (SIC). A classification pursuant to the standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (41) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (42) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
- (43) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (44) User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- (45) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which is contributed or permitted to enter the POTW.

- (46) Waters of the State. 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.
- (47) Wastewater Discharge Permit. As set forth in Section 44-104(b) of this Division.

(c) Abbreviations

The following abbreviations shall have the designated meanings:

BOD	-- Biochemical Oxygen Demand
CFR	-- Code of Federal Regulations
COD	-- Chemical Oxygen Demand
EPA	-- U.S. Environmental Protection Agency
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.
TSS	-- Total Suspended Solids
USC	-- United States Code

SECTION 44-102 REGULATIONS

(a) General 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 such users of a POTW whether or not the user is subject to National categorical Pretreatment Standards. A user may not contribute the following substances to the POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW and/or the collection system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees fahrenheit or 60 degrees centigrade using test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 percent nor any single reading over 10 percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- (2) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (3) Solid or viscous substances which may cause obstructions to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one inch (1") in any dimension, animal guts or tissues, paunch manures, bone, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, 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, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- (4) any wastewater having a pH less than 5.5 or greater than 12.0.
- (5) Any wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constituting 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 a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW or collection system in a quantity that may cause acute worker health and safety problems.
- (7) 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 into 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 SWDA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (8) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- (9) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.
- (10) 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 degrees centigrade (104 degrees fahrenheit).
- (11) Any pollutants, including oxygen demanding pollutants (BOD, etc.,) released in a discharge at a flow rate and/or pollutant concentration which will cause interference.
- (12) Any trucked or hauled pollutants except at discharge points designated by the POTW Superintendent.
- (13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal regulations.
- (14) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the City Manager determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the City Manager shall:

- (1) Advise the user(s) of the impact of the contribution to the POTW; and
- (2) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW.
- (3) Take appropriate enforcement action as proscribed in Section 44-104

(b) 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 Division for sources in that subcategory, shall immediately supersede the limitations imposed under this Division. The National categorical pretreatment standards, located in 40 CFR Chapter I, Subpart N, Parts 405-471, are hereby incorporated into this ordinance. The City Manager shall notify all affected users of the applicable reporting requirements under 40 CFR,

Section 403.12.

- (c) Modification of Federal Categorical Pretreatment Standards  
Where the City's wastewater treatment facility 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 Standard. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmless state which is achieved by the POTW in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR, Section 403.7(c)(2). The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.
- (d) Specific Pollutant Limitations  
No user(s) shall discharge wastewater, either singularly or in combination with other user(s), concentrations of pollutants which shall exceed the following limitations as measured at the POTW:
- |           |                    |
|-----------|--------------------|
| 0.04 mg/l | Arsenic            |
| 0.01 mg/l | Cadmium            |
| 0.70 mg/l | Chromium (Total)   |
| 0.20 mg/l | Copper             |
| 5.00 mg/l | Cyanide            |
| 5.00 mg/l | Iron               |
| 0.20 mg/l | Lead               |
| 0.01 mg/l | Mercury            |
| 0.10 mg/l | Nickel             |
| 100 mg/l  | Oil and Grease     |
| 2.50 mg/l | Phenolic Compounds |
| 0.10 mg/l | Silver             |
| 500 mg/l  | Toluene            |
| 0.50 mg/l | Zinc               |
- (e) Excessive Discharge  
No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the State or City.
- (f) Accidental Discharge/Slug Control Plan  
Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's, cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City Manager before construction of the facility. All existing users shall complete such a plan by July 1, 1983. No user who commences contribution to the POTW after the effective date of this Division 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 shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it shall be 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 pursued. Within five days following an accidental discharge, the user shall submit to the City Manager 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 notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

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

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges of this ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

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 an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

- (g) Notice of Potential Problems, Including Slug Loadings  
All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in 403.5(b) of the Act, by the industrial user.

#### SECTION 44-103 FEES

- (a) Purpose  
It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges and fees shall be set forth in the City's Schedule of Charges and Fees.
- (b) Schedule of Charges and Fees  
The City shall adopt charges and fees which may include:
  - (1) Fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program.
  - (2) Fees for monitoring, inspections and surveillance procedures.
  - (3) Fees for reviewing accidental discharge procedures.
  - (4) Fees for permit applications and renewals.

- (5) Fees for filing appeals.
- (6) Fees for the consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards.
- (7) Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Division and are separate from all other fees chargeable by the City.

#### FEE STRUCTURE

- (1) A general pretreatment administration fee shall be assessed each Wastewater Discharge Permit Holder in the amount of \$0.018 per 100 cubic feet of wastewater discharged into the POTW.
- (2) Surveillance monitoring and sample fees shall be assessed each Wastewater Discharge Permit Holder in the amount of \$3.00 for each sample collected.
- (3) Laboratory testing fees shall be assessed on actual expenses incurred for each parameter tested in-house; and actual expenses incurred plus 10 percent for each parameter tested by outside laboratories.
- (4) Fees for investigating incidents of program noncompliance or accidental spills shall be based on time actually expended at \$35.00 per hour.
- (5) A Wastewater Discharge Permit Application Fee shall be assessed each request for a Wastewater Discharge Permit in the amount of \$100.00. Wastewater Discharge Permit Application Renewals shall be assessed each request in the amount of \$50.00. An additional fee of \$100.00 per month shall be assessed for each month past the due date of permit renewal.
- (6) An appeal filing fee of \$250.00 shall be assessed at the time of appeal.
- (7) Any person who discharges toxic substances or effluent into the POTW which exceed discharge limitations shall pay the City a fee equal to any fine, fee or penalty imposed upon the City by any Federal or State agency.
- (8) Fees for the consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards shall be assessed by additional treatment contracts negotiated between the City and the Wastewater Discharge Permit Applicant.

#### SECTION 44-104 ADMINISTRATION

##### (a) Wastewater Dischargers

It shall be unlawful for any significant industrial user to discharge without a permit issued by the City to any natural outlet within the City, or in any area under the jurisdiction of the City, and/or to the POTW any wastewater except as authorized by the City Manager in accordance with the provisions of this Division.

##### (b) Wastewater Discharge Permits

All significant industrial users proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 180 consecutive calendar days after the effective date of this Division.

Users required to obtain a Wastewater Discharge Permit shall complete and file with the City Manager an application in the form prescribed by the City and accompanied by a fee of \$100.00. Existing users shall apply for a Wastewater Discharge Permit within 90 consecutive days after the effective date of this Division, and proposed new users shall apply

at least 90 consecutive calendar days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from the mailing address.
- (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 2 of this Division. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 of the Act and contained in 40 CFR, Part 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and 15 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards.
- (9) If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such pretreatment.

The following conditions shall apply to this schedule.

- 1) 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, commencing construction, etc.).
  - 2) The total time shall not exceed two and one-half years.
  - 3) No later than 14 consecutive calendar days following each date in the schedule and the final day of compliance, the user shall submit a written progress report to the City Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date, and if not, the date on which the user expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return construction to the schedule established.
- (10) Number of employees, and hours of operation of plant and proposed or actual hours of operation of the pretreatment system.
  - (11) Any other information as may be deemed necessary by the City to evaluate the permit application and to fulfill the requirements for Baseline Monitoring Reporting as given in 40 CFR 403.12(b).

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided therein.

(c) Permit Modifications

Within 90 consecutive calendar days of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of

users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by this section, the user shall apply for a Wastewater Discharge Permit within 90 consecutive calendar days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to the City Manager within 90 consecutive calendar days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by paragraphs (8) and (9) under subsection (b) of this section.

(d) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this division and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged into the POTW.
- (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 regulation and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Compliance schedules.
- (6) Requirements for submission of technical reports or discharge reports (See subsection (g) of this section).
- (7) Requirements for notification of the City for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (8) Requirements for notification of the City for slug discharges.
- (9) If sampling by an Industrial User indicates a violation, the user must notify the City within 24 hours of becoming aware of the violation. The user must also resample and submit results of this sampling to the City within 30 days.
- (10) Other conditions as deemed appropriate by the City Manager to ensure compliance with this Division.

(e) Permit Duration

Permits shall be issued for a specified time period, not to exceed three years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 90 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 Section 44-102 of this Division are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit Transfer

Wastewater Discharge Permits shall be issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or new or changed operation without the approval of the City.

- (g) Reporting Requirements for Permittee Compliance Date Report. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the City Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements.

The City Manager may allow the submission of a Baseline Monitoring Report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. This Baseline Monitoring Report 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.

These reports shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis, and if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. Reports for compliance and/or baseline monitoring shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

Periodic Compliance Reports.

1) Any significant industrial user, including significant noncategorical users, subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the City Manager during the months of January and July, unless required more frequently in the Pretreatment Standard or by the City Manager, a semi-annual 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 measured or estimated average and maximum daily flows for the reporting period. At the discretion of the City Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City Manager may agree to alter the months during which the above reports are to be submitted. All reports for periodic compliance must be signed by an authorized representative of the industrial user and certified by a qualified professional.

2) The City Manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by this section of the Division shall include the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the City Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis and sampling shall be performed in accordance with

procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(h) Record Keeping Requirements

Any user subject to reporting requirements established in this Division shall be required to retain for a minimum of three years, any records of monitoring activities and results and shall make such records available for inspection and copying by the EPA, Approval Authority, and Control Authority (City Manager). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW, or when requested by the EPA or Approval Authority.

(i) Monitoring Facilities

The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the user's wastewater discharge. The monitoring facility will normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right-of-way and located such that it will not be obstructed.

There shall be ample room in such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility sampling and measurement equipment shall be maintained at all times in a safe and proper operating condition at the full expense of the user. Actual sampling and data recovery shall be provided by the City for ultimate use in determining compliance or noncompliance with the program.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in full accordance with the requirements of the City Manager and all applicable local standards and specifications. Construction of required monitoring facilities shall be completed within 180 consecutive calendar days following written notification from the City Manager.

(j) Inspection and Sampling

The City shall inspect the facilities of any user to ascertain whether the purpose of this Division is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is discharged shall allow the City, or their representative, ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of their duties. The City, State and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

Where a user has security in force which would require proper identification and clearance before entry into the premises, the user shall make

necessary arrangements with the security guards so that upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

(k) Pretreatment

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

All records relating to compliance with Pretreatment Standards shall be made available to officials of the City, State and EPA upon request.

(l) Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically 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 of the user.

When requested by a person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Division; the National Pollutant Discharge Elimination System (NPDES) permit, or the Pretreatment Program; provided however, that such portions of the report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 403 will not be recognized as confidential information and will be available to the public without restriction.

(m) PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish at least annually, in the largest daily newspaper published in the municipality, a list of the industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6 - month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical review Criteria (TRC) violations, defined here as those in which thirty - three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];

C. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);

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

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

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

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(n) WASTEWATER SURVEY

When required by the City all industrial users must submit information on the nature and characteristics of their wastewater by a wastewater survey prior to commencing discharge. The City is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.

(o) REPORT OF CHANGED CONDITIONS

Each industrial user is required to promptly notify the City in advance of any planned significant changes to the industrial user's operation or system which might alter the nature, quality or volume of its wastewater.

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

B. The City may issue a wastewater permit or modify an existing permit

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

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

(p) NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents contained in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.

B. Discharges are exempt from the requirements of paragraph (A) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification.

Subsequent months during which the industrial user discharges more than

such quantities of any hazardous waste do not require additional notification.

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

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

#### SECTION 44-105 ENFORCEMENT

##### Harmful Contributions

- (a) The City may suspend the wastewater treatment service and Wastewater Discharge permit when such suspension is necessary, in the opinion of the City Manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes or may cause interference to the POTW or causes or may cause the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection to prevent or minimize damage to the POTW or endangerment to any individuals. The City shall reinstate the wastewater treatment service and/or Wastewater Discharge Permit upon proof of elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the City Manager within 15 consecutive calendar days of the date of the occurrence.

- (b) Revocation of Permit

Any user who violates the following conditions of this division, or applicable State and Federal regulations, is subject to having the Wastewater Discharge Permit revoked in accordance with the procedures established in this Division:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- (2) Failure of a user to report significant changes in operations, or wastewater constituents and characteristics of his discharge.
- (3) Refusal of reasonable access to a user's premises for the purposes of inspecting and monitoring.
- (4) Violation of conditions of the Wastewater Discharge Permit.

(c) Notification of Violation

Whenever the City finds that any user has violated or is violating this Division, Wastewater Discharge Permit, or any prohibition or limitation of requirements contained herein, the City shall serve upon such user a written notice stating the nature of the violation. Within ten days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City Manager by the user.

(d) Show Cause Hearing

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

The City Council may itself conduct the hearing and take the evidence, or may designate the City Manager to:

- (1) Issue in the name of the City Council notices of hearing authorizing the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

At any hearing held pursuant to this Division, testimony taken shall be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of a reasonable charge thereof.

After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period not to exceed 30 consecutive calendar days, the sewer service be discontinued unless and until adequate treatment facilities, devices or other related appurtenances shall have been installed or properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) Legal Action

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City may commence an action for the appropriate legal and/or equitable relief.

SECTION 44-106 PENALTY: COSTS

(a) Civil penalties

Any user who is found to have violated an order of the City Council or who willfully or negligently fails to comply with any provision of this Division, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) for each offense. Each

day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court recorders' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations and permits issued hereunder.

(b) Falsifying Information

It shall be unlawful for any person to knowingly make any false statements, representation or certification in any application, record, report, plan or other document files or required pursuant to this Division, or Wastewater Discharge Permit, or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required pursuant to this Division.

(c) Judicial review

Any person aggrieved by any decision, action or order under this division may appeal to the district court in and for Dubuque County. Any such appeal shall be commenced within (30) days subsequent to such decision, action, or order being rendered.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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James E. Brady  
Mayor

ATTEST:

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Mary A. Davis  
City Clerk