

CHAPTER 1504 – WASTE WATER

A. **PURPOSE AND INTENT.** It is the intent of the City of Spring Grove to establish regulations and standards for the city’s waste water system (sewer). It is the purpose of this ordinance to establish appropriate regulations which assists in maintaining the life expectancy of the city’s waste water infrastructure. This also sets minimum standards for the construction of future additions, connections to and replacement of said system. General regulations regarding the use of the city’s system and the administration of the system are also established.

B. **DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Act

The Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 et seq., as amended.

2. ASTM

American Society for Testing Materials

3. Authority

The City of Spring Grove or its representative

4. Biochemical Oxygen Demand (BOD₅)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in terms of milligrams per liter (mg/l)

5. Building Drain

The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the building wall

6. Building Sewer

The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection

7. City

The area within the corporate boundaries of the City as presently established or as amended by ordinance or other legal actions at a future time. The term City when used herein may also be used to refer to the City Council and its authorized representative

8. Control Manhole

A structure specially constructed for the purpose of measuring flow and sampling of wastes

9. Easement

An acquired legal right for the specific use of land owned by others

10. Garbage

Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food

11. Industrial Waste

Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes

12. Industry

Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E and I

13. Infiltration

Water entering the sewage system (including building drains and pipes) from the ground through means as defective pipes, pipe joints, connections and manhole walls

14. Infiltration/Inflow (I/I)

The total quantity of water from both infiltration and inflow

15. Inflow

Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage

16. Interference

The inhibition or disruption of the city's wastewater disposal system processes or operations which cause or significantly contribute to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city

17. May

The term is permissive

18. MPCA

The Minnesota Pollution Control Agency

19. National Categorical Pretreatment Standards

Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act

20. National Pollutant Discharge Elimination System (NPDES) Permit

A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act

21. Natural Outlet

Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water

22. Non-Contact Cooling Water

The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat

23. Normal Domestic Strength Waste

Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l

24. Person

Any individual, firm, company, association, society, corporation or group

25. pH

The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution

26. Pretreatment

The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works

27. Properly Shredded Garbage

The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27cm) in any dimension

28. Sewage

The spent water of a community. The preferred term is wastewater

29. Sewer

A pipe or conduit that carries wastewater or drainage water

- a. Collection Sewer – A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections
- b. Interceptor Sewer – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility
- c. Private Sewer – A sewer which is not owned and maintained by a public authority
- d. Public Sewer – A sewer owned, maintained and controlled by a public authority
- e. Sanitary Sewer – A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally
- f. Storm Sewer or Storm Drain – A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source

30. Shall

The term is mandatory

31. State Disposal System (SDS) Permit

Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. 115.07, as it may be amended from time to time for a disposal system as defined by M.S. 115.01(8), as it may be amended from time to time

32. Suspended Solids (SS) or Total Suspended Solids (TSS)

The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue

33. Toxic Pollutant

The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307 (a) of the Act

34. Unpolluted Water

Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities

35. User

Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system

36. Public Utilities Director

The person appointed by the City Council to supervise the sewer and water systems of the city

37. Wastewater

The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present

38. Wastewater Treatment Works or Treatment Works

An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment

39. WPCF

The Water Pollution Control Federation

C. GENERAL PROVISIONS

1. Control of Sewers; Administration of Chapter

The Public Utilities Director, or other official designated by the City Council shall have control and general supervision of all public sewers and service connections in the city and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained

2. Building Sewers; General Requirements

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minnesota Rules referenced in Minnesota Rules Part 1300.2400, subpart 6, as they may be amended from time to time and the Minnesota Plumbing Code, Minnesota Rules Chapter 4715, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the city has adopted the State Building Code. If the city has not adopted the State Building Code, the Public Utilities Director shall perform the inspection or an installer licensed under this Chapter, section F.10. shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved or until the certification has been received.

3. Tampering with Wastewater Facilities

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

4. Cost of Repairing or Restoring Sewers

In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by that person and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

D. GENERAL REGULATIONS

1. Deposits of Unsanitary Manner Prohibited

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, or in any area under the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

2. Discharge of Wastewater or Other Polluted Waters

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.

3. Except as otherwise provided in this chapter, 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 wastewater.

4. Installation of Service Connection to Public Sewer

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational; provided, the public sewer is within 200 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official ten-day notice shall be served instructing the affected property owner to make the connection.

5. Failure to Connect to a Public Sewer

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section D.4. of this chapter, the city shall undertake to have the connection made and shall assess the cost thereof against the benefited property. The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

E. PRIVATE WASTEWATER DISPOSAL

1. Public Sewer Not Available

Where a public sewer is not available under the provisions of Section D.4. of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section and Minnesota Rules Chapter 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time.

2. Permits

- a. *Required.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.
- b. *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative 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 when work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

3. Type, Capacities, Location and Layout

The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules, Chapter 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

4. Direct Connection Required

At the time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within eighteen (18) months in compliance with this chapter and within two (2) years any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage and the tank or pit filled with suitable material.

5. Operation and Maintenance By Owner

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

6. Application of Section

No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

F. BUILDING SEWERS AND CONNECTIONS

1. Restrictions on New Connections

Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BODs and suspended solids, as determined by the Public Utilities Director.

2. Building Sewer Permits

- a. *Required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- b. *Applications.* Applications for permits shall be made by the owner or authorized agent and the party employed to do the work and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
- c. *Classes.* There shall be two classes of building sewer permits: one for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.
- d. *Inspection and Connection.* The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection

to the public sewer. The connection and inspection shall be made under the supervision of the Public Utilities Director or authorized representative thereof.

3. Costs and Expenses

All costs and expenses incidental 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 be directly or indirectly occasioned by the installation of the building sewer.

4. Separate Building Sewers Required

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection.

5. Old Building Sewers; Restrictions on Use

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Utilities Director or authorized representative, to meet all requirements.

6. Conformance to State Building and Plumbing Code Requirements

- a. The size, slopes, alignment, materials of construction of building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirement of the State Building and Plumbing Code or other applicable rules and regulations of the city.
- b. The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All connections shall be made gastight and watertight and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

7. Elevation Below Basement Floor

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

8. Surface Runoff or Groundwater Connections Prohibited

No person shall make connection of roof downspouts, sump pumps, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

9. Excavations

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

10. Licenses

- a. *Required.* No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work and no permit shall be granted to any person except a regularly licensed person.
- b. *Application.* Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Public Utilities Director for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.
- c. *Issuance.* No license shall be issued to any person until a policy of insurance to the city, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and hold harmless the city from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in the licensee's employment for any purpose whatever and that the licensee will replace and restore the street and alley over that opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the

same to the satisfaction of the Public Utilities Director and shall conform in all respects to any rules and regulation of the Council relative thereto and pay all fines that may be imposed on the licensee by law.

- d. *Fee.* The license fee for making service connections shall be as established by the Ordinance Establishing Fees and Charges and as may be amended from time to time. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.
- e. *Suspension or Revocation.* The Council may suspend or revoke any license issued under this Section for any of the following causes:
 - i. Giving false information in connection with the application for a license
 - ii. Incompetence of the licensee
 - iii. Willful violation of any provisions of this Chapter or any rule or regulation pertaining to the making of service connections

G. USE OF PUBLIC SERVICES

1. Discharges of Unpolluted Water

- a. No person shall discharge or cause to be discharged any water such as storm water, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.
- b. Storm water and all other unpolluted drainage shall be discharged to those sewers as are specifically designed as storm sewers or to a natural outlet approve by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

2. Discharges of Waters or Wastes

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

- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. 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.

- b. Solid or viscous substances which will cause obstruction 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 ½ inch in any dimension, animal guts or tissues, paunch manure, bones, 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, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- c. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

3. Limited Discharges

- a. The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works, treatment process or equipment, will not have an adverse effect on the receiving stream and soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Public Utilities Director may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Public Utilities Director will give consideration to factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.
- b. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Utilities Director are as follows:

- i. Any wastewater having a temperature greater than 150 F (65.6 C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 F (40 C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- ii. Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 F and 150 F (0 C and 65.6 C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- iii. Any quantities of flow, concentrations, or both which constitute a “slug” as defined in Section B of this Chapter.
- iv. Any garbage not properly shredded, as defined in Section B of this Chapter. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- v. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- vi. Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.
- vii. Non-contact cooling water or unpolluted storm, drainage or ground water.
- viii. Wastewater containing 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, in quantities that would cause disruption with the wastewater disposal system.
- ix. Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Public Utilities Director in compliance with applicable state or federal regulations.

- x. Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act: Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.
- xi. Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.
- xii. Any waters or wastes containing BOD₅ or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 15 of this Chapter.

4. Discharges Hazardous to Life or Constitute Public Nuisances

- a. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 3 of this Chapter, or which in the judgment of the Public Utilities Director may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
 - i. Reject the wastes;
 - ii. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all amendments thereof;
 - iii. Require control over the quantities and rates of discharge; and
 - iv. Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.
- b. If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

5. Increasing Use of Process Water

No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 2 and 3 of this Chapter, or contained in the National Categorical Pretreatment Standards or any state requirements.

6. Pretreatment or Flow-Equalizing Facilities

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

7. Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Utilities Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 3.b.ii. of this Chapter, sand or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Public Utilities Director. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

8. Industrial Wastes; Installations

Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure or control manhole, with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. The structure shall be accessible and safely located and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

9. Industrial Wastes; Requirements

The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements,

tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

10. Measurements, Tests and Analyses of Waters and Wastes

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Public Utilities Director.

11. Protection From Accidental Discharge of Prohibited Materials

Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Public Utilities Director for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Public Utilities Director to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall insure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

12. Permitting Substance or Matter to Flow or Pass Into Public Sewers

No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or

obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same and perform other work as the Public Utilities Director may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair or alter the same after the period of 30 days, the Public Utilities Director may cause the work to be completed at the expense of the owner or representative thereof.

13. Repairing Service Connection

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Public Utilities Director may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section and the Public Utilities Director may then cause the work to be done and recover from the owner or agent the expense thereof by an action in the name of the city.

14. Catch Basin or Waste Traps Required For Motor Vehicle Washing or Servicing Facilities

The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

15. Special Agreement and Arrangement

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

H. USER RATE SCHEDULE FOR CHARGES

1. Purpose. The purpose of the section is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system and local capital costs incurred in the construction of the city's wastewater treatment system.

2. Charges Generally. Each user of sewer service shall pay the charges applicable to the type of service and in accordance with the provisions set forth in this section.
 - a. Sewer gallons and based on water gallons used. There will be no sewer charge forgiveness for excess water/sewer gallons that a property owner claims does not go into the sewer system. When a water leak has occurred, no matter the amount of gallons used, the property owner is responsible for all water/sewer charges. The City will continue to offer a 3 month payment plan for the extra water/sewer costs incurred because of the leak.

3. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - a. Administration. Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

 - b. City. The area within the corporate boundaries of the city as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term City may also refer to the City Council or its authorized representative.

 - c. Debt Service Charge. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

 - d. Incompatible waste. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

 - e. Industrial users or industries.
 - i. Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes or from the development of any natural resources. (These are identified in the *standard Industrial Classification Manual*, latest edition, Office of Management and Budget, as amended and supplemental under one of the following divisions: A-Agriculture, forestry and fishing; B-Mining; D-Manufacturing; E-Transportation, communications, electric, gas and sanitary sewers; I-Services).

For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ – less than 287 mg/l; Suspended solids – less than 287 mg/l.

- ii. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
- f. May. The term is permissive.
- g. Operation and maintenance. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works and at the level of performance for which the treatment works were constructed. The term includes replacement.
- h. Operation and maintenance costs. Expenditures for operation and maintenance, including replacement.
- i. Replacement. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.
- j. Replacement costs. Expenditures for replacement.
- k. Sanitary sewer. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.
- l. Sewer service charge. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.
- m. Sewer service fund. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of

the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

- n. Shall. The term is mandatory.
 - o. Toxic Pollutant. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.
 - p. User charge. A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.
 - q. Users. Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.
 - r. Wastewater. The spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.
 - s. Wastewater treatment works or treatment works. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.
4. Establishment of a sewer service charge system.
- a. The city hereby establishes a Sewer Service Charge System whereby revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

- b. Each user shall pay its proportionate share of operation, maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.
 - c. Each user shall pay debt service charges to retire local capital costs as determined by the City Council.
 - d. Sewer rates and charges to users of the wastewater treatment facility shall be determined and fixed according to the provisions of this chapter and established by Chapter 104 of the Code and as amended from time to time.
 - e. Revenues collected for sewer service shall be deposited in a separate fund known as "The Sewer Service Fund." Income from revenues collected will be expended to off-set the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.
 - f. Sewer service charges and the sewer service fund will be administered in accordance with the provisions of section H.7.of this chapter.
 - g. A connection fee as fixed by Chapter 104 of the Code as may be amended from time to time shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable at the time a zoning permit is issued.
5. Determination of sewer service charges. The sewer service rates and charges to users of the wastewater treatment facility shall be as established by Chapter 104 of the Code as amended from time to time.
6. Sewer service fund.
- a. The city has and hereby continues a "Sewer Service Fund" as an income fund to receive all revenues generated by the sewer service charge system and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The city may also establish, at its discretion, accounts within the sewer service fund intended for operation and maintenance, equipment replacement, debt retirement and other sub accounts as deemed necessary to continue the operation, maintenance, replacement and construction of the wastewater treatment works.
 - b. All revenue generated by the sewer service charge system and all other income pertinent to the treatment system, including taxes and special assessments

dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city.

7. Administration. The sewer service charge system and sewer service fund shall be administered according to the following provisions:
 - a. The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works and shall furnish the City Council with a report of those costs annually. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with H.4.b. of this Chapter. The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed and to retire the construction debt.
 - b. In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.
 - c. In accordance with federal and state requirement, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.
 - d. Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 15th day of the month following the month the service was rendered. Any bill not paid in full on said date shall be considered delinquent and shall be charged a penalty which will be computed at 5 % of the original bill. The charge with the delinquent penalty added will be shown on each billing statement.
 - e. The owner of the premises shall be liable to pay for the service to their premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.
 - f. Any addition costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

I. POWERS AND AUTHORITY OF INSPECTORS

1. Authorized employees permitted to enter all properties. The Public Utilities Director or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this Chapter.
2. Authorized employees obtaining information for industrial processes. The Public Utilities Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. Authorized employees to observe safety rules. While performing necessary work on private properties, the Public Utilities Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in section G.9. of this Chapter.
4. Authorized employees permitted to enter all property with easements. The Public Utilities Director or 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 wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

J. PENALTY

1. Any person found to be in violation of any provisions of sections B through G or J of this Chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction

thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in section J.1. of this Chapter shall be punished pursuant to Title 1900 of this Code. Each day in which any violation occurs shall be deemed a separate offense.
3. Any person violating section B through G or J of this Chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.
4. Each and every sewer service charge levied by and pursuant to section H of this Chapter is made a lien upon the lot or premises served and all charges which are on October 31 of each year past due and delinquent may be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in section H shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.
5. As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.
6. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8 % per annum.