

PUBLICATION NO. _____

ORDINANCE NO. 26-877

AN ORDINANCE AMENDING CHAPTER 53 OF THE HUTCHINSON CITY CODE –
SEWERS

The City Council of the City of Hutchinson hereby ordains:

CHAPTER 53: SEWERS

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GENERAL PROVISIONS

§ 53.001 DEFINITIONS.

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

BOD or **BIOCHEMICAL OXYGEN DEMAND**. The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of **BOD** shall be made in accordance with procedures set forth in *Standard Methods*.

BUILDING DRAIN. The 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.

BUILDING SEWER. A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer.

CATEGORY A. The sanitary users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 130 mg/l, suspended solids no greater than 220 mg/l, nitrogen no greater than 30 mg/l, and phosphorus no greater than 4.5 mg/l

CATEGORY B. The sanitary sewer users who discharge wastewater with concentrations in excess of 130 mg/l of BOD, 200 mg/l suspended solids, 30 mg/l nitrogen, or 4.5 mg/l phosphorus. Users whose wastewater exceeds the concentration for any one of these parameters shall be in **CATEGORY B**.

CHLORINE REQUIREMENT. The amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the National Pollutant Discharge Elimination System (NPDES) permit.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMMERCIAL USER. Any place of business which discharges sanitary waste as distinct from industrial wastewater.

COMPATIBLE POLLUTANTS. BOD, suspended solids, phosphorus, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the city's NPDES permit for its wastewater treatment facility; provided that, this facility is designed to treat these additional pollutants and, in fact, does remove these pollutants to a substantial degree.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct those facilities.

EASEMENT. An acquired legal right for the specified use of land owned by others.

FIXED CHARGE. A charge levied on users of the treatment works for those costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs) and for one-half of the total debt service attributable to sewer rehabilitation.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater

shall be considered free of **FLOATABLE OIL** if it is properly pretreated and the wastewater does not interfere with the collection system.

GOVERNMENTAL OR PUBLIC USER. Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

GROUND GARBAGE. The residue from the preparation, cooking, dispensing, handling, storage and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

INCOMPATIBLE POLLUTANTS. Wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

INDUSTRIAL USERS or INDUSTRIES. Includes:

(1) 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, 1987, U.S. Department of Labor, as amended and supplemental under one of the following divisions: Division A: Agriculture, Forestry and Fishing; Division B: Mining; Division D: Manufacturing; Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers; or Division I: Services. For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

- (a) BOD no greater than 130 mg/l;
- (b) Suspended solids no greater than 220 mg/l;
- (c) Nitrogen no greater than 45 mg/l, and
- (d) Phosphorus no greater than 4.5 mg/l

(2) Any non-governmental 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.

INDUSTRIAL WASTE. Any solid, liquid or gaseous substance discharged or escaping from any industrial, manufacturing or commercial establishment. The term includes any wastewater which is not sanitary sewage.

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

INFILTRATION/INFLOW or I-I. The total quantity of water from both infiltration and inflow.

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.

INSTITUTIONAL USER. A user other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g., non-profit organizations).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT. Any permit or requirements issued by the State Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended, for the purpose of regulating the discharge of wastewater, industrial wastes or other wastes under the authority of § 402 of the Act, being 33 U.S.C. § 1342.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NITROGEN. Kjeldahl nitrogen, which is the sum of organic nitrogen and ammonia nitrogen.

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater with concentrations of BOD no greater than 130 mg/l, suspended solids no greater than 220 mg/l, nitrogen no greater than 30 mg/l, and phosphorus no greater than 4.5 mg/l

OPERATION AND MAINTENANCE COSTS. Includes all costs required to provide for the dependable and economical functioning of the treatment facilities throughout the design or useful life, whichever is longer, of the treatment facilities, and at the level or performance for which the treatment facilities were designed and constructed. **OPERATION AND MAINTENANCE** includes replacement. These costs shall be determined from time to time by the city.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a **pH** value of 7 and a hydrogen-ion concentration of 10^{-7} .

PHOSPHORUS. Total phosphorus, expressed in mg/l of P (phosphorus).

PUBLIC SEWER. Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the design or useful life (whichever is longer) of the wastewater treatment facility to maintain the capacity and performance for which those facilities were designed and constructed. Operation and maintenance costs include **REPLACEMENT COSTS**.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

SANITARY SEWAGE. A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

SANITARY SEWER. A sewer that carries sewage or wastewater.

SEWAGE. The spent water of a person or community. The preferred term is **WASTEWATER**.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE CHARGE. A charge levied on users of the wastewater treatment facilities for payment of operation and maintenance expenses, debt service costs and other expenses or obligations of those facilities.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation or adversely affects the collection system or performance of the wastewater treatment facility.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORM SEWER OR DRAIN. A drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods*, and referred to as **NON-FILTERABLE RESIDUE**.

UNPOLLUTED WATER. Water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

USER CHARGE. A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

WASTEWATER. The spent water of a community or person. 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.

WASTEWATER COLLECTION FACILITIES or **WASTEWATER COLLECTION SYSTEM.** The structures and equipment required to collect and carry wastewater.

WASTEWATER TREATMENT FACILITY. An arrangement of devices and structures for treating wastewater and sludge. Also referred to as **WASTEWATER TREATMENT PLANT**.

(2004 Code, § 53.001) (Ord. 781, passed 7-19-1988)

CONSTRUCTION AND CONNECTIONS

§ 53.015 PERMIT REQUIRED; CONNECTION COSTS; FEES.

(A) *Work authorized.* It is unlawful for any unauthorized person to uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Council.

(B) *Cost of sewer connection.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

(C) *Sewer connection fees.* The Council shall have the authority to establish and enforce sewer connection fees as deemed appropriate by the Council.

(2004 Code, § 53.015) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.016 PRIVATE SYSTEMS.

All property owners with septic systems, holding tanks, mound systems or other on-site systems shall be required to hook up to the sanitary sewer system unless granted a variance by the Council.

(2004 Code, § 53.016) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.017 REMOVAL OF PROHIBITED CONNECTIONS.

Any person, owner, lessee or occupant, and any plumber or building contractor who has presently made or permitted to be made, or shall make or permit to be made, any connection or installation in violation of this chapter shall immediately remove that connection or correct that installation. If not removed or corrected within 30 calendar days after notice of violation has been delivered personally or by certified mail to that person, owner, lessee or occupant, the city may impose a surcharge fee per month on the sewer bill of the property owners who are not in compliance with this chapter. This surcharge may also be imposed upon any property owner, lessee or occupant who, after the 30-calendar day notice, refuses to allow his or her property to be inspected or fails to provide the certificate from an authorized and registered state licensed plumber. All properties found during regular or periodic reinspection programs that violate this chapter will be subject, at the discretion of the city, to the imposition of the monthly fee for all months between the two most recent inspections.

(2004 Code, § 53.017) (Ord. 781, passed 7-19-1988; Ord. 01-291, passed 5-22-2001) Penalty, see § 10.99

§ 53.018 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Council, to meet all requirements for this chapter. (2004 Code, § 53.018) (Ord. 781, passed 7-19-1988)

§ 53.019 STANDARDS.

(A) *Construction materials and methods.* The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the State Building Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, most recent edition, shall apply.

(B) *Building sewer grade.* 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 that building drain shall be lifted by an approved means and discharged to the building sewer.

(2004 Code, § 53.019) (Ord. 781, passed 7-19-1988)

§ 53.020 REGULATIONS AND CODES APPLY.

(A) The connection of the building sewer into the sanitary sewer shall conform to the requirements of the State Building Code, or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, **most recent edition**

(B) All connections shall be made gas-tight and water-tight.

(C) Any deviation from the prescribed procedures and materials must be approved by the Council before installation.

(2004 Code, § 53.020) (Ord. 781, passed 7-19-1988)

§ 53.021 INSPECTIONS.

The person making a connection to a public sewer shall notify the Council when the building sewer is ready for inspection and connection with the public sewer. The connection shall be inspected and approved by the Council.

(2004 Code, § 53.021) (Ord. 781, passed 7-19-1988)

§ 53.022 EXCAVATIONS; BARRICADES AND LIGHTS; RESTORATION.

All excavations for the 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 Council.

(2004 Code, § 53.022) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.023 SEWER LINE; OWNER RESPONSIBILITY.

The property owner shall be responsible for the sewer line from the building to the main sewer line.

(2004 Code, § 53.023) (Ord. 781, passed 7-19-1988)

PUBLIC SEWERS; USE RESTRICTIONS

§ 53.035 UNPOLLUTED WATERS; DISCHARGE TO SANITARY SEWERS PROHIBITED.

It is unlawful for any person to discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

(2004 Code, § 53.035) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.036 STORM SEWERS.

(A) Storm water and all other unpolluted water shall be discharged to sewers which are specifically designated as storm sewers, or to a natural outlet approved by the Council and other regulatory agencies.

(B) (1) *Cooling water.* Unpolluted industrial cooling water or process water may be discharged, on approval of the Council and approval and the issuance of a discharge permit by the MPCA to a storm sewer or natural outlet.

(2) *Sump pumps.* No water from any roof, surface, ground water sump pump, footing tile, swimming pool or other natural precipitation shall be discharged directly or indirectly into the sanitary sewer system. A permanent installation shall be one that

provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to a storm sewer. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of the discharge with a check valve and an air gap.

(2004 Code, § 53.036) (Ord. 781, passed 7-19-1988; Ord. 01-291, passed 5-22-2001) Penalty, see § 10.99

§ 53.037 PROHIBITED DISCHARGES; NPDES PERMIT.

(A) *Prohibitions and limitations.* Except as hereinafter provided, it is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) 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;

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility. Toxic pollutants shall be as defined in standards issued pursuant to § 307(a) of the Clean Water Act, being 33 U.S.C. § 1317(a);

(3) Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities;

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater treatment facilities, 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 and the like, either whole or ground by garbage grinders; and

(5) The following described substances, materials, waters or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; and will not otherwise endanger lives, limbs or public property, or constitute a nuisance. The Council may set limitations more stringent than those established below if more stringent limitations are necessary to meet the above objectives. The Council will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

(a) Wastewater having a temperature higher than 150°F (65°C);

(b) Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin;

- (c) Wastewater from industrial plants containing floatable oils, fat or grease;
 - (d) Any unground garbage. 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 in kitchens for the purpose of consumption on the premises or when served by caterers;
 - (e) Any waters or wastes containing iron, chromium, copper, zinc and other toxic and non-conventional pollutants to such a degree that the concentration exceeds levels specified by federal, state and local authorities;
 - (f) Any waters or wastes containing odor producing substances exceeding limits which may be established by the Council or limits established by any federal or state statute, rule or regulation;
 - (g) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Council in compliance with applicable state or federal regulations;
 - (h) Any 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 a degree so that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
 - (i) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes;
 - (j) Materials which exert or cause:
 1. Unusual BOD, chemical oxygen demand or chlorine requirements in quantities so as to constitute a significant load on the wastewater treatment facility;
 2. Unusual volume of flow or concentration of wastes constituting slugs, as defined herein;
 3. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate); or
 4. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (k) Incompatible pollutants in excess of the allowed limits as determined by local, state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 C.F.R. part 403, as amended from time to time.
- (B) *NPDES permit*. It is unlawful for any person to cause or permit a discharge into the sanitary sewers that would cause a violation of the city's NPDES permit and any modifications thereof.
- (2004 Code, § 53.037) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.038 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as prohibiting any special agreement between the Council and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or

after pretreatment; provided that, there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of those wastes, and no extra costs are incurred by the city without recompense by the person; and, further provided that, all rates and provisions set forth in this chapter are recognized and adhered to. (2004 Code, § 53.038) (Ord. 781, passed 7-19-1988)

§ 53.039 NEW CONNECTIONS; TREATMENT CAPACITY REQUIREMENT.

New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater treatment facilities. (2004 Code, § 53.039) (Ord. 781, passed 7-19-1988)

§ 53.040 DILUTION NOT A TREATMENT.

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 § 53.037(A) of this code, or national categorical pretreatment standards.

(2004 Code, § 53.040) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

INDUSTRIAL WASTES; CONTROL

§ 53.055 DATA SUBMISSION.

The Council may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Council, at times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater treatment facilities. In the case of a new connection, the Council may require that this report be prepared prior to making the connection to the public sewers.

(2004 Code, § 53.050) (Ord. 781, passed 7-19-1988)

§ 53.056 INDUSTRIAL DISCHARGES; COUNCIL AUTHORITY.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in §§ 53.035 through 53.040 of this chapter and which, in the judgment of the Council, have a deleterious effect upon the wastewater treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or health or constitute a public nuisance, the Council may:

- (A) Reject the waste;
- (B) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317(b), and all addendums thereof;
- (C) Require control over the quantities and rates of discharge; and
- (D) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of this chapter.

(2004 Code, § 53.051) (Ord. 781, passed 7-19-1988)

§ 53.057 CONTROL MANHOLES.

(A) Each person discharging industrial wastes into a public sewer shall, at the discretion of the Council, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of wastes, including sanitary sewage.

(B) (1) Control manholes or access facilities shall be located and built in a manner acceptable to the Council. If measuring and sampling devices are to be permanently installed, they shall be of a type acceptable to the Council.

(2) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his or her expense, and shall be maintained by him or her so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Council prior to the beginning of construction. (2004 Code, § 53.052) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.058 FLOW MEASUREMENT; WATER AND WASTE METERS.

(A) *Measurement of flow.* The volume of flow used for computing sewer service charges shall be the metered water consumption of the property owner as shown in the records of meter readings maintained by the Water Department or utility, except as noted in division (B) below.

(B) *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the Council if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, these meters may not be removed without the consent of the Council.

(2004 Code, § 53.053) (Ord. 781, passed 7-19-1988)

§ 53.059 WASTE SAMPLING.

(A) Industrial waste discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the Council.

(B) Samples shall be collected in a manner so as to be representative of the composition of the waste. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Council.

(C) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Council. Access to sampling locations shall be granted to the Council or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(2004 Code, § 53.054) (Ord. 781, passed 7-19-1988)

§ 53.060 PRETREATMENT.

Persons discharging industrial waste into any public sewer may be required to pretreat those wastes, if the Council determines pretreatment is necessary to protect

the wastewater treatment facilities or prevent the discharge of incompatible pollutants. In that event, the person shall provide, at his or her expense, those pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

(2004 Code, § 53.055) (Ord. 781, passed 7-19-1988)

§ 53.061 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Council, they are necessary to the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this chapter, or any flammable wastes, sand or other harmful ingredients; except that, these interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Council, and shall be located to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Council. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable State Pollution Control Agency (MPCA) rules and regulations. (2004 Code, § 53.056) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.062 ANALYSIS.

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* and with the federal regulations of 40 C.F.R. part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", as amended from time to time. Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval by the Council. Determination of the character and concentration of the industrial waste shall be made by the person discharging them, or the person's agent, as designated and required by the Council. The Council may also make its own analyses on the waste, and these determinations shall be binding as a basis for sewer service charges.

(2004 Code, § 53.057) (Ord. 781, passed 7-19-1988)

§ 53.063 TREATMENT FACILITIES; APPROVAL REQUIRED.

(A) Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and sand interceptor facilities shall be submitted for review and approval of the Council prior to the start of their construction if the effluent from the facilities is to be discharged into the public sewers.

(B) No construction of these facilities shall commence until approval has been granted.

(2004 Code, § 53.058) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

INDUSTRIAL WASTEWATER; PRETREATMENT

§ 53.075 PURPOSE AND POLICY; APPLICATION.

(A) This subchapter sets forth uniform requirements for discharges to the city's wastewater treatment system and enables the city to comply with applicable state and federal laws. The objectives of this subchapter are:

(1) To prevent the introduction of pollutants into the wastewater treatment system which will interfere with the operation of the system, including the use or disposal of the sludge;

(2) To prevent the introduction of pollutants into the wastewater treatment system which will pass through the system inadequately treated into receiving waters or otherwise be incompatible with the system; and

(3) To improve the opportunities to recycle and reclaim wastewaters and sludges.

(B) This subchapter provides for the regulation of discharges into the city's wastewater treatment system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(C) This subchapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's wastewater treatment system. Except as otherwise provided herein, the City Engineer shall implement, administer and enforce the provisions of this subchapter.

(2004 Code, § 53.070) (Ord. 727, passed 12-12-1985)

§ 53.076 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

BIOCHEMICAL OXYGEN DEMAND or **BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)).

CITY ENGINEER. The City Engineer of the city, authorized agent, or **third-party** service, on behalf of the city designated by the City Council to administer this chapter.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works of the city, authorized agent, or third-party service, on behalf of the city designated by the City Council to administer this chapter.

GENERAL PRETREATMENT REGULATIONS. The general pretreatment regulations for existing and new sources of pollution promulgated by the EPA under § 307(b) and (c) of the Act, being 33 U.S.C. § 1317(b) and (c) and found at 40 C.F.R. part 403.

INDUSTRIAL USER. A person who discharges to the wastewater treatment system liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, or from the development of any natural resource.

INTERFERENCE. A discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the wastewater collection and treatment facilities, its treatment processes or operations, or its sludge processes, use

or disposal and which is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or state disposal system permit, or of the prevention of sewage sludge use or disposal by the city in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): § 405 of the Clean Water Act, being 33 U.S.C. §1345, the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq. (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 SWDA), the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substance Control Act, being 15 U.S.C. §§ 2601 et seq., and the Marine Protection Research and Sanctuaries Act, being 16 U.S.C. §§ 1431 et seq. and 33 U.S.C. §§ 1401 et seq.

MINNESOTA PRETREATMENT RULES. Minn. Rules Ch. 7049 that implement the general pretreatment regulations, federal categorical pretreatment standards and the authorities of M.S. § 115.03, Subd. 1, par. (e), clause (2). This definition may also be used in the singular as **MINNESOTA PRETREATMENT RULE**.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the wastewater treatment system by specific industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT. Any permit or requirements issued by the State Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended, for the purpose of regulating the discharge of wastewater, industrial wastes or other wastes under the authority of § 402 of the Act, being 33 U.S.C. § 1342.

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

PERSON. Any individual, partnership, association, corporation, public agency and any other organization or group of individuals, public or private.

pH. The logarithm (base ten) of the reciprocal of the concentration of hydrogen ions in moles per liter.

PRETREATMENT.

(a) The process of equalizing or reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into the wastewater treatment system.

(b) The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by § 53.078(D) of this code.

PUBLICALLY OWNED TREATMENT WORKS (POTW). A treatment works as defined in M.S. § 115.01, Subd. 21, that is owned by a state or municipality as defined by § 502(4) of the Clean Water Act, 33 U.S.C. § 1362(4) and M.S. § 115.41, as it may be amended from time to time. This term includes **POTW PLANT** and **POTW AUTHORITY**.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment system which:

- (a) Has a discharge flow of 25,000 gallons or more per average day;
- (b) Has a flow greater than 5% of the flow in the wastewater treatment system;
- (c) Has in its wastes toxic pollutants as defined pursuant to § 307 of the Act, being 33 U.S.C. § 1317, or Minnesota Statutes and Minn. Rules; or
- (d) Is designated as such by the POTW on the basis that the industry 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 Part 403.8(f)(g)]
- (e) Is subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR chapter I, subchapter N, except those designated as Non Significant.

SLUG. Any waste discharge into the wastewater treatment system which, in concentration of any given constituent, except pH, or in quantity of flow, exceeds four times the average concentration or flow rate for a normal operating day.

STATE DISPOSAL SYSTEM 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 treatment system as defined by M.S. § 115.01(8), as it may be amended from time to time.

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

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 a standard glass fiber filter.

USER. Any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

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 discharged into or permitted to enter the wastewater treatment system.

WASTEWATER DISCHARGE PERMIT or PERMIT. A permit issued by the city to an industrial user to use the city's wastewater treatment system, as established in § 53.081 of this code.

WASTEWATER TREATMENT SYSTEM or SYSTEM. Any devices, facilities, structures, equipment or works owned or used by the city for the purpose of transmission, storage or treatment of industrial and domestic wastewater, including intercepting sewers, outfall sewers, wastewater collection system, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; and any works, including land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, 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.

(B) Terms not otherwise defined herein shall be as given in M.S. Ch. 115 and 116, as they may be amended from time to time.

(2004 Code, § 53.071) (Ord. 727, passed 12-12-1985; Ord. 14-0722, passed 3-11-2014)

§ 53.077 DISCHARGE PROHIBITIONS.

(A) It is unlawful for any person to discharge or cause to be discharged, directly or indirectly, any of the following substances described into the wastewater treatment system or to any public sewer:

(1) Any combustible, flammable or explosive liquids, solids or gases which by their nature or quantity will or are likely to cause, either alone or by interaction with other substances, a fire or explosion or be injurious to the wastewater treatment system or to its operation. 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%, nor shall there be any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates and hydrides;

(2) Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment system. These include, but are not limited to, grease, garbage with particles greater than one-half 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, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater having a pH less than 5.0 or more than 10.0, or having a corrosive property that will or is likely to cause damage or hazard to structures, equipment and personnel of the wastewater treatment system;

(4) Any wastewater containing toxic or poisonous 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 treatment system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a);

(5) Any noxious or malodorous liquids, gases or solids, which, either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent entry into a sewer for its monitoring, maintenance and repair;

(6) Any wastewater with objectionable color not removed in the treatment process, including, but not limited to, dye wastes, vegetable tanning solutions and printing inks;

(7) Heat in amounts which will or are likely to inhibit biological activity in the wastewater treatment system resulting in interference or damage to the system, but in no case heat in quantities so that the industrial wastewater temperature is greater than 150°F (65.6°C) at its point of discharge to the system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C);

(8) Any slug load discharged in a volume or strength so as to cause interference to the wastewater treatment system;

(9) Any unpolluted water, including non-contact cooling water, rainwater, storm water or ground water, unless there is no prudent and feasible alternative;

(10) Any wastewater containing fat, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l 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 or not emulsified;

(11) Any wastewater containing inert suspended solids (including Fuller's earth, lime slurries and lime residues) or dissolved solids (including sodium chloride and sodium sulfate) in quantities that will or are likely to cause interference with the wastewater treatment system; or

(12) Any wastewater containing any radioactive waste or isotopes of a half-life or concentration so that they are in non-compliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the wastewater treatment system or personnel operating it.

(B) In addition to these prohibitions, it is unlawful for any person to discharge to any public sewer any discharge which causes interference, as defined, with the wastewater treatment system. Pollutants in the effluent from an industrial user shall not be considered to cause interference where the industrial user is in compliance with specific prohibitions or standards developed by federal, state or local governments. Where the industrial user is in compliance with these specific prohibitions or standards, and pollutants in the effluent from the industrial user's facility nevertheless are deemed to have caused or significantly contributed to a violation of any requirements of the city's NPDES or state disposal system permit, and are likely to cause such a violation in the future, the city may take appropriate action to develop and enforce specific effluent limits for that industrial user to ensure renewed and continued compliance with the city's NPDES or state disposal system permit.

(2004 Code, § 53.072) (Ord. 727, passed 12-12-1985; Ord. 14-0722, passed 3-11-2014) Penalty, see § 10.99

§ 53.078 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *National categorical pretreatment standards.* National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users who are subject to those standards in any instance where they are more stringent than the limitations in this subchapter unless the City Engineer has applied for and obtained from the MPCA approval to modify the specific limits in the national categorical pretreatment standards. When requested, an application for modification of the national categorical pretreatment standards will be considered for submittal by the City Engineer when the wastewater treatment system achieves consistent removal of the pollutants. Consistent removal shall be defined as in 40 C.F.R. part 403, "General Pretreatment Regulations for Existing and New Sources". Conditional revisions of national categorical pretreatment standards may be made by the city in accordance with 40 C.F.R. part 403, "General Pretreatment Regulations for Existing and New Sources" if requested by an industry in accordance with requirements of 40 C.F.R. part 403.

(B) *State requirements.* State requirements and limitations on discharge shall be met by all users who are subject to those standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable provision of this code of ordinances.

(C) *City's right of revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the wastewater treatment system if deemed necessary to comply with the objectives presented in this subchapter.

(D) *Dilution.* It is unlawful for any person to increase the use of potable or process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with the limitations set forth in this subchapter or applicable pretreatment standards.

(E) *Supplementary limitations.*

(1) It is unlawful for any person to discharge wastewater containing the following substances in excess of the amounts contained in their wastewater discharge permit.

(2) Once limits are appropriated for individual industries, those industries' rights to discharge up to those limits shall not be reduced by permit limits issued later to new industries. Reduction of limits may be necessary to achieve the objectives stated in this subchapter.

(2004 Code, § 53.073) (Ord. 727, passed 12-12-1985; Ord. 14-0722, passed 3-11-2014) Penalty, see § 10.99

§ 53.079 ACCIDENTAL DISCHARGES; NOTIFICATION.

(A) Each user shall provide protection from accidental discharges of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense.

(B) Users shall notify the City Engineer immediately upon having a slug or accidental discharge of substances or wastewater in violation of this subchapter in order to enable countermeasures to be taken by the City Engineer to minimize damage to the wastewater treatment system and the receiving waters. The notification shall include location of discharge, date and time thereof, description of accidentally discharged waste including an estimate of concentration and volume, and corrective actions. These notifications will not relieve users of 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 or federal law. The city may choose to take no further action or to take action in accordance with §§ 53.089(A), 53.090 and 53.091.

(C) A notice shall be permanently posted in a prominent place on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(2004 Code, § 53.074) (Ord. 727, passed 12-12-1985)

§ 53.080 CHARGES AND FEES; PURPOSE.

(A) *Fees; purpose.* It is the purpose of this subchapter to provide for the recovery of costs from users of the wastewater treatment system for the implementation and administration of the program established herein. The applicable charges or fees shall

be set forth in the city's schedule of charges and fees, to be prepared from time to time by the City Engineer and approved by the Council.

(B) *Charges and fees.* The Council shall adopt charges and fees which may include:

- (1) Fees for monitoring, inspections and surveillance procedures;
- (2) Fees for permit applications;
- (3) Appeal fees; and
- (4) Other fees as the City Engineer may deem necessary to carry out the requirements contained herein.

(2004 Code, § 53.075) (Ord. 727, passed 12-12-1985)

§ 53.081 WASTEWATER DISCHARGE PERMITS.

(A) *Mandatory permits.* All industries proposing to connect or to commence a new discharge to the wastewater treatment system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater treatment system if the discharge would result in the industry being classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under § 307(b) and (c) of the Act, being 33 U.S.C. § 1317(b) and (c), connected to or discharging into the wastewater treatment system shall obtain a wastewater discharge permit within 180 days after the effective date of this subchapter.

(B) *Permit applications.*

(1) Users required to obtain a wastewater discharge permit shall complete and file with the City Engineer a permit application in the form as required. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of this subchapter, and proposed new users shall apply at least 90 days prior to connecting or discharging to the wastewater treatment system.

(2) The City Engineer will evaluate the data furnished by the user and may require additional information. A wastewater discharge permit shall not be issued until an application is complete. After evaluation and acceptance of the data furnished, the City Engineer shall issue a wastewater discharge permit subject to terms and conditions provided herein.

(C) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this subchapter 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 to the wastewater treatment system;
- (2) Limits on the average and maximum wastewater constituents and characteristics, in terms of concentration, mass limitations or other appropriate units;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (4) Requirements for installation, maintenance and operation of sampling and monitoring facilities;
- (5) Requirements for installation, operation and maintenance of pretreatment facilities;
- (6) Specifications for self-monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

- (7) Compliance schedules;
- (8) Requirements for submission of technical reports or discharge reports;
- (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City Engineer, but in no case less than three years, and affording the City Engineer access thereto;
- (10) Requirements for notification to and acceptance by the City Engineer for any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system if they may have a significant impact on the sewer collection or treatment systems;
- (11) Requirements for notification of slug or accidental discharges as provided in § 53.079 of this code, and reporting of permit violations;
- (12) Requirements for disposal of sludges, floats, skimmings and the like; and
- (13) Other conditions deemed appropriate by the city to ensure compliance with this subchapter.

(D) *Permit duration and renewal.*

(1) Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit renewal a minimum of 90 days prior to the expiration of the user's existing permit by filing with the City Engineer a renewal application in the form as required.

(2) The terms and conditions of the permit may be subject to modification by the City Engineer during the term of the permit as limitations or requirements as identified in this subchapter are modified or other just cause exists. The City Engineer, upon a determination that the permittee has been in compliance with the expiring permit and is capable of complying with the renewed permit, shall renew a wastewater discharge permit upon the terms and conditions specified for an additional time period, not to exceed five years. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule agreeable to the permittee and the City Engineer for compliance.

(E) *Permit modifications.*

(1) A wastewater discharge permit may be modified, in whole or in part, by the City Engineer during its term for the following causes:

- (a) Amendment of this subchapter where permit provisions are affected;
- (b) A change in the city's wastewater treatment system which results in the permittee's discharge having a significantly different and negative impact on the system;
- (c) A change in the permittee's wastewater volume or characteristics which will or is likely to have, either singly or by interaction with other wastes, a negative impact on the wastewater treatment system; or

(d) Promulgation of a national categorical pretreatment standard. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to that standard shall be revised to require compliance with the standard within the time frame prescribed by that standard. All users, whether or not they have an existing wastewater discharge permit, shall apply for a new permit as required by this section within 150 days after the promulgation of the applicable national categorical pretreatment standard.

(2) Any modifications in the wastewater discharge permit shall specify a reasonable time schedule for compliance.

(F) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the City Engineer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(2004 Code, § 53.076) (Ord. 727, passed 12-12-1985)

§ 53.082 SELF-MONITORING REPORTS; MONITORING FACILITIES.

(A) *Self-monitoring reports.*

(1) A condition of the wastewater discharge permit shall include the completion and submittal of accurate routine self-monitoring reports to the City Engineer in the form as required. The nature and frequency of routine reporting shall be based upon the information provided in the permit application form. The City Engineer may modify the reporting frequency for a particular permittee based on the permittee's industrial waste characteristics. Permittees subject to national categorical pretreatment standards shall submit reports to the City Engineer in accordance with the applicable national categorical pretreatment standards. These reports shall be submitted to the City Engineer ~~twice per calendar year during the months of July and January,~~ unless required more frequently in the pretreatment standard or by the City Engineer. The report shall indicate the nature and concentration of pollutants in the effluent which are limited by pretreatment standards and include a record of all daily flows which during the reporting period exceeded the average daily flow.

(2) Wastewater discharge records of a permittee shall be kept by the permittee for a period of not less than three years. The permittee shall provide the City Engineer reasonable access to these records during normal business hours. A permittee subject to an applicable national categorical pretreatment standard shall maintain all records required by 40 C.F.R. part 403, "General Pretreatment Regulations".

(B) *Monitoring facilities.*

(1) Each permittee that is required to do so by the City Engineer, shall provide and operate, at the permittee's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and internal drainage systems at the city's request. Whenever possible, existing manholes, cleanouts and water meters will be used to meet these requirements. The monitoring facility should normally be situated on the user's premises, but the City Engineer may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) Whether constructed on a public or private property, the sampling and monitoring facilities shall be provided in accordance with the City Engineer's requirements and all applicable local construction standards and specifications. If

suitable monitoring sites are not in existence, construction shall be completed within 90 days following written notification by the City Engineer, unless a time extension is otherwise granted by the City Engineer.

(2004 Code, § 53.077) (Ord. 727, passed 12-12-1985)

§ 53.083 INSPECTION, SAMPLING AND ANALYSIS.

(A) The City Engineer shall have the right to inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City Engineer ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling or records examination, or in the performance of any of their duties. The City Engineer, MPCA and EPA shall have the right to set up on the user's property those devices as necessary to conduct sampling, inspection, compliance monitoring or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with any security guards so that, upon presentation of suitable identification, the City Engineer, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(B) Representative samples of a user's industrial wastewater shall be collected on normal operating days and in accordance with guidelines as established from time to time. Industrial users subject to general pretreatment regulations shall sample in accordance with the general pretreatment regulations. Self-monitoring facilities for industrial users who are not subject to the general pretreatment regulations shall be at a location before wastewater is mixed with other discharges or at a point where waste can be adequately monitored.

(C) Test procedures for the analysis of pollutants for permit applications and routine self-monitoring shall conform to the guidelines established in 40 C.F.R. part 136 and 40 C.F.R. part 403, "General Pretreatment Regulations".

(2004 Code, § 53.078) (Ord. 727, passed 12-12-1985)

§ 53.084 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment before discharging, directly or indirectly, into the wastewater treatment system as required to comply with this subchapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations.

(B) Any facilities required to pretreat wastewater shall be provided, operated and maintained at the user's expense.

(C) All records relating to compliance with pretreatment standards shall be made available by the City Engineer to officials of the EPA or MPCA upon request.

(2004 Code, § 53.079) (Ord. 727, passed 12-12-1985)

§ 53.085 CONFIDENTIALITY.

(A) Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies

without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City Engineer that the release of this information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, and until that time as the information is determined not to be confidential, 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 upon written request to governmental agencies for uses related to this subchapter, the NPDES permit, state disposal system permit or the pretreatment programs; provided, however, that, those portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City Engineer as confidential shall not be transmitted to any governmental agency by the City Engineer until and unless a ten-day notification is given to the user by registered mail.

(2004 Code, § 53.080) (Ord. 727, passed 12-12-1985)

§ 53.086 SLUDGES GENERATED; DISPOSAL.

Sludges, floats, skimmings and the like generated by a pretreatment facility shall not be disposed, directly or indirectly, into the wastewater treatment system. These sludges shall be contained, transported and disposed of in accordance with all federal, state and local regulations.

(2004 Code, § 53.081) (Ord. 727, passed 12-12-1985) Penalty, see § 10.99

§ 53.087 FINAL COMPLIANCE DATE; REPORTING REQUIREMENTS.

(A) Within 90 days following the date for final compliance with applicable pretreatment standards or in the case of the commencement of a new discharge to the wastewater discharge system, any user subject to pretreatment standards and requirements shall submit to the City Engineer 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's facility which are limited by those pretreatment standards or requirements.

(B) The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user and certified by a qualified professional.

(2004 Code, § 53.082) (Ord. 727, passed 12-12-1985)

§ 53.088 EMERGENCY SUSPENSION OF SERVICE AND PERMIT.

(A) The City Engineer may suspend the wastewater treatment service of a user and a wastewater discharge permit (after informal notice to the discharger) when suspension is necessary, in the opinion of the City Engineer, 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 or to the wastewater treatment system or would cause the city to violate any condition of its NPDES or state disposal system permit. The City Engineer shall follow up with a formal notice to a designated representative of the user within an hour after the informal notice is given to the user.

(B) (1) Any user notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the City Engineer shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals. The city may also take action in accordance with § 53.091 of this chapter.

(2) The City Engineer shall reinstate the wastewater discharge permit and the wastewater treatment service upon proof of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(3) A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the City Engineer within 15 days of the date of occurrence. (2004 Code, § 53.083) (Ord. 727, passed 12-12-1985)

§ 53.089 NOTIFICATION OF VIOLATION; CORRECTION; PERMIT REVOCATION.

(A) *Notification of violation.* Whenever the City Engineer finds that any user has violated or is violating this subchapter, the wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the City Engineer may serve upon that user a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the city by the user. If the plan is satisfactory to the City Engineer and the user complies with the plan, the City Engineer may or may not take further action against the user. If the plan is not satisfactory to the City Engineer, the city may take action in accordance with § 53.090 of this chapter. If the user does not comply with the plan, the city may take action in accordance with § 53.091 of this chapter.

(B) *Permit revocation.* In accordance with the procedures of this subchapter, the City Engineer may revoke the permit of any user who fails to factually report the wastewater constituents and characteristics of its discharge; who misrepresents or fails to disclose fully all relevant facts when obtaining a wastewater discharge permit; who fails to report significant changes in wastewater constituents or characteristics; who refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or who violates conditions of its permit, this subchapter or applicable state and federal regulations.

(2004 Code, § 53.084) (Ord. 727, passed 12-12-1985)

§ 53.090 HEARING.

(A) *Notice of hearing.* If the violation is not corrected by timely compliance, the City Engineer may order any user who causes or allows an unauthorized discharge to show

cause before the 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 Council regarding the violation, the reason why the action is to be taken and the proposed enforcement action, and directing the user to show cause before the Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(B) *Hearing officials.* The Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:

(1) Issue, in the name of the Council, notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in the hearings;

(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Council for action thereon.

(C) *Transcripts.* At any hearing held pursuant to this subchapter, testimony taken must 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 the usual charges therefore.

(D) *Issuance of orders.*

(1) After the Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. The orders may also revoke the user's wastewater discharge permit if this subchapter or wastewater discharge permit are violated.

(2) If the user violates an order, the city may take action in accordance with § 53.091 of this chapter.

(2004 Code, § 53.085) (Ord. 727, passed 12-12-1985)

§ 53.091 LEGAL ACTION.

If any person discharges wastewater, industrial wastes or other wastes into the wastewater treatment system contrary to the provisions of this subchapter, federal or state pretreatment requirements or any order of the city, the City Attorney may, following the authorization of that action by the Council, commence an action for appropriate legal and equitable relief.

(2004 Code, § 53.086) (Ord. 727, passed 12-12-1985)

§ 53.092 PUBLICATION OF VIOLATORS.

(A) A list of the users who were significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the 12 previous months shall be annually published by the city in a local newspaper. The notification

shall also summarize any enforcement actions taken against the user during the same 12 months.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SIGNIFICANT VIOLATIONS. Violations which remain uncorrected 45 days after notification of non-compliance, which are a part of a pattern of non-compliance over a 12-month period or which involve a failure to accurately report non-compliance.

(C) Users will be notified by letter prior to publication of a list if they are included on the list and will be given one week to respond to the City Engineer regarding the appropriateness of their inclusion.

(2004 Code, § 53.087) (Ord. 727, passed 12-12-1985)

§ 53.093 APPEAL.

(A) Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this subchapter and shall be entitled to a written reply from the city.

(B) Any decision of the City Engineer in the enforcement of this subchapter may be appealed to the Council by filing a written petition with the City Administrator within 30 days of the City Engineer's ruling. The petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. The petition shall show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesperson. The filing of a petition in accordance with the requirements herein shall stay all proceedings unless the City Engineer shall file within 72 hours after the filing of a petition a certificate stating that a stay would cause peril to life or property or specifying other good reasons. The Council shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of the hearing to parties named in the petition as attorney or spokesperson. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition, after which the City Engineer may present evidence in support of his or her decision.

(C) The Council shall decide the appeal within a reasonable time and notify the attorney or spokesperson. The minutes of the Council shall constitute the official record of the petition, hearing and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

(2004 Code, § 53.088) (Ord. 727, passed 12-12-1985)

§ 53.094 COSTS OF DAMAGE.

Following discussions between the city and users and a thorough review of the problem, and a final decision as to the cause, any user violating any of the provisions of this subchapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the city's wastewater treatment system, shall become liable to the city for any expense, loss or damage caused by that violation or discharge. The City Administrator may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this subchapter.

(2004 Code, § 53.089) (Ord. 727, passed 12-12-1985) Penalty, see § 10.99

§ 53.095 FALSIFYING INFORMATION UNLAWFUL.

It is unlawful for any person to knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter or the wastewater discharge permit, or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this subchapter.

(2004 Code, § 53.090) (Ord. 727, passed 12-12-1985) Penalty, see § 10.99

RATES AND CHARGES

§ 53.110 SEWER USE MEASUREMENT; WATER METERS; PRIVATE WATER SOURCES.

(A) *Sewer users served by water utility water meters.* There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the water utility, a sewer service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.

(B) *Sewer users served by private wells.* If any person discharging wastewater into the public sanitary sewers procures any part or all of his or her water from sources other than the water utility, all or part of which is discharged into the sanitary sewers, the property shall have water meters installed by the city at the property owner's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, new water meters will not be required. The water meters shall be furnished by the city and installed under its supervision, all costs being at the expense of the person requiring the meter. The city will charge for each meter a rental charge set by the city to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.
(2004 Code, § 53.100) (Ord. 781, passed 7-19-1988)

§ 53.111 DEDUCT METERS.

If a sanitary sewer customer feels that a significant amount of metered water will not or does not reach the sanitary sewer, a customer may select one of the following options.

(A) The customer may request to have a deduct meter installed, as necessary to calculate the volume of water not discharged to the sanitary sewer. In the case of significant industrial users or other commercial, industrial or institutional customers, they may request to measure the actual amount of sewage discharged to the sanitary sewer using other mutually acceptable means.

(1) Requests for a deduct meter or other means of measuring sewage metered services must be made in writing. In the event the city agrees to the installation, the customer shall make provisions for installation of the deduct meter or other mutually acceptable measuring devices at their own cost and shall be charged for all costs related thereto incurred by the city.

(2) No provisions shall be made, nor shall any means be taken, to route any water into the customer's domestic water system after having flowed through a deduct meter or having been measured in any other way.

(3) In addition to the remedies set forth in § 53.151 of this chapter, any violation of this chapter will result in nullification of the deduct readings and removal of the deduct meter or other measuring device.

(B) In the event it is physically impractical or impossible to install metering equipment, the customer may request the Council to take means it deems necessary to formulate an estimate of the amount of water not being discharged into the sanitary sewerage system or, conversely, the amount of actual sewage discharged thereto and all related charges, credits or other provisions shall be identified in a separate agreement with the customer.

(C) Water that flows through deduct meters and does not reach the sewer system shall be charged as described in the rates identified within the city's fee schedule or be identified in a separate agreement with the customer.

(2004 Code, § 53.101) (Ord. 781, passed 7-19-1988; Ord. 22-836, passed 1-10-2023)

§ 53.112 TREATMENT WORKS; OPERATION, MAINTENANCE AND REPLACEMENT COSTS.

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.

(2004 Code, § 53.102) (Ord. 781, passed 7-19-1988)

§ 53.113 SERVICE CHARGES; USER CATEGORIES.

(A) *Sewer service charge unit costs.* For purposes of determining proportionate user charges, a comprehensive sewer characteristic study shall be commissioned from time to time to determine the composition and characterization of Category A and Category B wastewater. Unit costs for treatment of flow, BOD, suspended solids (TSS), phosphorus (P), and nitrogen (TKN) shall be determined and published annually in the fee schedule, fixed annually in the sewer service charge system according to the procedures contained in Appendix E of the March 1988 report entitled, "Sewer Service Charge System for Wastewater Treatment Facilities" for the city.

(B) *Category A sewer service charge.* Calculation of Category A sewer service charges shall be determined and fixed annually in the sewer service charge published annually in the fee schedule, system according to the procedures contained in Appendix E of the above referenced March 1988 rate study report.

(C) *Category B sewer service charge.*

(1) The Category B sewer service charge shall be computed in accordance with the formula presented below:

$$T = FQ + (V \times C_v) + .00834 V (BOD \times CBOD + TSS \times CTSS + TKN \times CTKN + TP \times CTP)$$

where: T = total sewer service charge; FQ = fixed quarterly charge; BOD = concentration of BOD in mg/l in the wastewater above 130 mg/l; TSS = concentration of suspended solids in mg/l in the wastewater above 220 mg/l; TKN = concentration of nitrogen in mg/l in the wastewater above 45 mg/l, TP = concentration of total

phosphorus in mg/l in the wastewater above 4.5 mg/l; V = wastewater volume in 1,000 gallons; C_v = Category A volume charge cost per 1,000 gallons; CBOD = cost per pound of BOD; CTSS = cost per pound of suspended solids; CTKN = cost per pound of nitrogen; CTP = cost per pound of phosphorus; and 0.00834 = conversion factor.

(2) The above formula shall not be construed to give credits for a waste strength less than domestic concentrations for BOD, suspended solids or nitrogen.

~~(3) The charge for BOD in mg/l in the wastewater above 200 mg/l, based on the total pounds of BOD, shall be \$0.32 per pound.~~

(D) *Reassignment of sewer users.* The Council will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs or other related information indicate a change of categories is necessary.

(2004 Code, § 53.103) (Ord. 781, passed 7-19-1988; Ord. 05-400, passed 4-12-2005)

§ 53.114 DISPOSITION OF OPERATION, MAINTENANCE AND REPLACEMENT FUNDS.

All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in § 53.001 of this chapter. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund. All revenues for the replacement fund and for operation and maintenance of the wastewater treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater treatment facilities.

(2004 Code, § 53.104) (Ord. 781, passed 7-19-1988)

§ 53.115 SEPTIC TANK SLUDGE AND HOLDING TANK SEWAGE; DISPOSAL PERMIT; FEES; LIABILITY.

(A) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer this material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Council. Written application for this permit shall be made to the Council and shall state the name and address of the applicant, the number of its disposal units and the make, model and license number of each unit. Permits shall be non-transferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of the annual permit fee. The time and place of disposal will be designated by the Council. The Council may impose conditions as it deems necessary on any permit granted.

(B) (1) Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than **specified in their permit to operate**, to protect any and all persons or property from injury or damage caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person shall furnish a certificate certifying this insurance to be in full force and effect.

(2) All materials in the septic tank sludge or holding tank sewage disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person agrees that he or she will comply with the provisions of any and all applicable city code provisions and shall not deposit or drain any gasoline, oil, acid, alkali, grease,

rags, waste, volatile or flammable liquids or other deleterious substances into the public sewers, nor allow any earth, sand or other solid material to pass into any part of the wastewater treatment facilities.

(3) Persons with a permit for disposing of septic tank sludge or holding tank sewage into the wastewater treatment facilities shall be charged the sewer service charges for these users as published annually in the fee schedule. ~~calculated annually in accordance with the procedures contained in Appendix E of the March 1988 report entitled, "Sewer Service Charge System for Wastewater Treatment Facilities" for the city.~~

(4) The person disposing of septic tank sludge or holding tank sewage agrees to indemnify and hold harmless the city from any and all liability and claims for damages arising out of or resulting from work and labor performed.
(2004 Code, § 53.105) (Ord. 781, passed 7-19-1988)

§ 53.116 TOXIC POLLUTANTS; SURCHARGES.

Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the city's wastewater treatment facility shall pay for those increased costs, as may be determined by the Council.
(2004 Code, § 53.106) (Ord. 781, passed 7-19-1988)

§ 53.117 BILLING PROCEDURES.

(A) *Calculation of sewer service charges.* Sewer service charges shall be computed according to the rates and formula presented in this subchapter.

(B) *Sewer service charge billing period.* Sewer service charges shall be billed by the city to the sewer users on a quarterly basis or as determined by the Council.

(C) *Payment of sewer service charges.* Those persons billed by the city for the sewer service charges shall pay the charges within ten days after the billing date at the City Hall.

(D) *Delinquent bills; penalties.* Any bill not paid in full ten days after the due date will be considered delinquent. At that time, the city shall require the delinquent owner or occupant to pay a penalty in addition to the original bill. The penalty shall be computed as 5% of the original bill. If delinquent bills are not paid they may be deemed delinquent and may be placed, together with penalties as provided by statute, on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(E) *Delinquent bills; responsibility.* Payment of charges and penalties is the ultimate responsibility of the property owner. The city reserves the right to trace the delinquent bill or penalty to the new address of the delinquent occupant.
(2004 Code, § 53.107) (Ord. 781, passed 7-19-1988)

STORM WATER DRAINAGE UTILITY

§ 53.130 ESTABLISHMENT.

Pursuant to M.S. § 444.075, as it may be amended from time to time, the city establishes a storm water drainage utility, authorizes the imposition of just and

reasonable charges for the use and availability of storm sewer facilities, and establishes a Storm Water Fund. The Storm Water Fund shall be a separate account and shall be used solely for storm water drainage purposes, as outlined in the above-referenced statute.

(2004 Code, § 53.120) (Ord. 01-289, passed 1-23-2001)

§ 53.131 DEFINITIONS.

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

POLLUTANT LOADING. The amount of total suspended solids delivered to the storm water drainage system, measured in pounds per acre per year, that is generated from a given land use.

STANDARD RAINFALL EVENT. The one-year storm of one-day duration.

TOTAL SUSPENDED SOLIDS or **TSS.** The sum of all suspended matter, described by the dry weight of the suspended matter found in a specific volume of water (milligrams per liter, for example).

(2004 Code, § 53.121) (Ord. 01-289, passed 1-23-2001)

§ 53.132 FINDINGS AND DETERMINATIONS.

(A) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system (“the system”). This subchapter is adopted in the further exercise of this authority and for the same purposes.

(B) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this subchapter.

(C) (1) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system cost, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected volume of storm water runoff from the various parcels of land within the city during a standard rainfall event as defined in § 53.131 of this chapter.

(2) In addition, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected pollutant loading from the various parcels of land within the city.

(D) Assigning costs and making charges based upon expected typical storm water runoff volume and pollutant loading cannot be done with mathematical precision, but can only be accomplished within reasonable and practical limits. The provisions of this subchapter undertake to establish a reasonable and practical methodology for making these charges.

(2004 Code, § 53.122) (Ord. 01-289, passed 1-23-2001)

§ 53.133 RATES AND CHARGES; LAND USE CLASSIFICATIONS.

(A) *Rates and charges.*

(1) *Residential equivalent factor.* Rates and charges for the use and availability of the system shall be determined through the use of a residential equivalent factor (REF). An REF has been developed for the storm water runoff volume (volume REF), the storm water runoff pollutant loading (quality REF) and a composite that is used for the final utility fee calculation (utility REF).

(a) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

QUALITY REF. The ratio of the pollutant loading (measured as total suspended solids) coming from land subjected to a particular use, to the pollutant loading coming from land subject to typical single-family residential use with the city.

UTILITY REF. The ratio of the sum of the volume and quality portions of the total annual storm water drainage utility fee for a given land use classification (as computed using the volume REF and the quality REF for that land use classification), to the sum of the volume and quality portions of the total annual storm water drainage utility fee for the single-family residential land use classification (as computed using the volume REF and the quality REF for the single-family residential land use classification).

VOLUME REF. The ratio of the average volume of surface water runoff coming from one acre of land subjected to a particular use to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard rainfall event.

(b) The utility REF for each of the land use classifications will be revised at that time in the future when there is a shift in the percentage of utility expenditures related to storm water runoff volume and storm water runoff quality treatment. The revision shall be determined by the Director of Public Works, who shall notify the City Council of the action.

(2) *Storm water drainage charges.*

(a) In determining charges the City Council shall by ordinance establish a basic system rate to be charged against one acre of land having a utility REF of one. The charge to be made against each parcel of land shall then be determined by multiplying the utility REF for the parcel's land use classification times the parcel's acreage times the basic system rate. The volume, quality and utility REFs for the following land uses within the city and the billing classifications for those land uses are as follows.

Billing Classification	Land Use	Volume REF	Quality REF	Utility REF
1	Golf course, park, open space	0.41	0.50	0.43
2	Single-family and duplex residential	1.00	1.00	1.00
3	Public and private schools and institutional uses	1.36	3.05	1.67
4	Multiple-family residential and churches	2.18	3.21	2.37
5	Commercial and industrial	3.79	6.10	4.22

(b) For the purposes of calculating storm water drainage charges, all developed single-family and duplex parcels less than one acre in size per unit shall be considered to have an acreage of one-third acre per unit. Double bungalows or duplexes shall be considered to be two units. Single-family parcels over one acre in size or duplex residential parcels over one acre per unit in size shall be billed at a higher rate. These rates shall be included in the ordinance approved by the City Council.

(3) *Storm water utility rates.* Storm water utility rates shall be established by an ordinance of the City Council as amended from time to time. Fee rates may be included as part of the fee schedule, as adopted by the City Council, included within the annual budget ordinance. Fees shall be structured to reasonably reflect the cost of constructing, maintaining and operating storm water drainage systems as outlined in M.S. § 444.075, as it may be amended from time to time.

(B) *Other land uses.* The Director of Public Works shall classify other land uses not listed in the foregoing table by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event and the pollutant loading. An appeal from the Director of Public Works' determination of the property classification may be made to the City Council.

(2004 Code, § 53.123) (Ord. 01-289, passed 1-23-2001)

§ 53.134 ADJUSTMENT AUTHORITY.

The City Council may, by ordinance, adopt policies providing for the adjustment of charges or credits to charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates a runoff volume for the standard rainfall event or a pollutant loading substantially different from that being used for the parcel or parcels. The Director of Public Works shall make the adjustment or credit. An appeal from the Director of Public Works' determination may be made in writing to the City Council. No adjustments shall be made retroactively.

(2004 Code, § 53.124) (Ord. 01-289, passed 1-23-2001)

§ 53.135 PUBLIC HEARING AND NOTICE.

The city shall hold a hearing prior to determining whether to build, construct, enlarge or improve storm sewer facilities financed in whole or in part by the imposition of storm sewer drainage charges. Notice of the hearing shall be published in the official city newspaper at least ten days prior to the date of hearing. Owners of all property adjoining a proposed improvement shall be mailed or served with a notice at least ten days in advance of the hearing. However, failure to give mailed notice or any defects in the notice shall not invalidate the proceedings.

(2004 Code, § 53.125) (Ord. 01-289, passed 1-23-2001)

§ 53.136 EXEMPTIONS.

Public street rights-of-way, railroad rights-of-way and lands used exclusively for agricultural purposes are exempt from storm water drainage charges.

(2004 Code, § 53.126) (Ord. 01-289, passed 1-23-2001)

§ 53.137 PAYMENT OF CHARGES.

Storm water bills shall be mailed to the owner or other account holder with their city water/sewer statement and shall specify the charges.

(2004 Code, § 53.127) (Ord. 01-289, passed 1-23-2001)

§ 53.138 DELINQUENT ACCOUNTS.

(A) *Delinquent bills; penalties.* A bill shall be considered delinquent if not paid by the end of the day on the billing due date. At that time the city shall require the delinquent owner or occupant to pay a penalty in addition to the original bill. The penalty shall be assessed on the first business day subsequent to the billing due date, calculated at the greater of 5% of the original bill or \$1. If delinquent bills are not paid they may be deemed delinquent and may be placed, together with penalties as provided by statute, on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(B) *Responsibility of owner.* Payment of charges and penalties is the ultimate responsibility of the property owner. The city reserves the right to trace the delinquent bill or penalty to the new address of the delinquent occupant.

(C) *Additional penalties.* In addition to the above listed penalties, the city may impose any and all of the penalties outlined in § 1.18 of the City Policy Handbook if a storm water utility account is found to be delinquent.

(D) *Assessment of delinquent accounts.* Delinquent accounts may be certified by the City Council to the County Auditor for collection with the next years taxes as provided for by M.S. § 444.075, as it may be amended from time to time. Before making the certification, a delinquent account holder must be notified by first class mail of the delinquency and the date the holder may appear before the City Council to state any reason why the certification should not be made.

(2004 Code, § 53.128) (Ord. 01-289, passed 1-23-2001)

§ 53.139 RECALCULATION; ADJUSTMENTS; CREDITS.

(A) *Recalculation of charges.* If a property owner or person responsible for paying the storm water drainage charge questions the correctness of such a charge, that person may have the determination of the charge recomputed by written request to the Director of Public Works. This request shall be made within 30 days of the mailing of the billing in question.

(B) *Adjustments or credits to the storm water drainage charges.*

(1) *Rate structure; purpose of adjustments.*

(a) The municipal storm water drainage utility uses a rate structure based on the anticipated relative contribution of storm water drainage runoff volume and pollutant loading to the storm water drainage system. A parcel's contribution is determined by that parcel's size and its land use, under the principle that more intensively developed land uses typically have a larger percentage of impervious surface and contribute a much greater volume of water to the system for the standard rainfall event of 2.3 inches in 24 hours and larger pollutant loading.

(b) It is recognized that some parcels, due either to their unique topographic, vegetative, geologic and other characteristics have a hydrologic response substantially different from that of similarly sized parcels of the same land use. To provide for an equitable assessment of storm water drainage charges, based on reasonably expected contribution of flows, provisions need to be made to permit adjustments to the storm water drainage charge for those parcels with unique or unusual characteristics, or credits to the storm water drainage charge for those parcels with storm water runoff volume and/or quality treatment facilities.

(2) *Grounds for adjustment.*

(a) The basis of the city's storm water drainage charges is the anticipated relative contribution of storm water runoff volume and pollutant loading to the storm water drainage system from a given parcel. Where unique or unusual conditions exist where the actual contributions of storm water runoff volume or pollutant loading from a given parcel are substantially different from those anticipated by the storm water drainage rate structure, the Director of Public Works, or designee thereof, may adjust or credit the storm water drainage charge for the parcel to an appropriate level in accordance with the guidelines specified herein.

(b) The subchapter establishing the storm water drainage utility provides for the Director of Public Works to make adjustments or credits to the charges when:

1. The property owner supplies data demonstrating a storm water runoff volume for the standard rainfall event substantially different from that being used for the parcel; or
2. The property owner supplies data demonstrating that storm water runoff from the parcel is being treated to provide the required removal efficiency for total suspended solids (TSS).

(3) *Property owner to provide detailed information.* It is the responsibility of the property owner or agent thereof to present to the Director of Public Works, or designee thereof, sufficient information concerning a parcel's hydrologic characteristics to permit an accurate assessment of the conditions that exist.

(a) This information may include, but is not limited to:

1. Site plan showing locations of all buildings, paved areas and other development relative to lot lines;
2. The total lot area and area of impervious surfaces, in square feet;
3. Site topography or contours of sufficient detail to ascertain flow directions, rates and volumes;
4. Hydraulic calculations specifying outflow volumes and rates for various rainfall events; and
5. Calculation of total suspended solids removal efficient of any on-site storm water runoff treatment facility.

(b) Failure to provide this information within 30 days after delivery of a written request shall result in the assignment of the highest classification level for volume, quality and utility REF.

(4) *Adjustments where parcel runoff is significantly different from land use standard.* Where the unit runoff generated by a parcel differs from the assigned amount for that land use category by more than 20%, the Director of Public Works, or designee

thereof, may adjust the parcel's storm water drainage charge in accordance with the following procedure.

(a) Calculation of unit runoff for the parcel shall be determined by the methods outlined in the Natural Resources Conservation Service Technical Release No. 55, utilizing a one-year event of 24-hour duration as the standard rainfall event.

(b) If the calculated unit runoff is shown to differ from the assigned amount for that land use category by 20% or more, the volume portion of the fee for that parcel shall be adjusted by multiplying it by the ratio of the calculated unit runoff to the standard unit runoff.

(c) A parcel's storm water drainage charge shall be subject to increases as well as decreases by this procedure.

(d) For parcels with ponds covered by public easements, the area used for the calculation of the charge shall be reduced by the size of the easement area.

(e) Because single-family and duplex fees are not based upon actual parcel acreage, no adjustments for unit runoff differences will be made for those land uses, except for totally vacant, unimproved, fully turfed parcels.

(f) Adjustments shall not be retroactive. They become effective from the date they are approved.

(5) *Procedures for calculation of storm water credits.* Procedures for calculation of storm water detention credits for volume charges and for calculation of water quality treatment credits for quality charges shall be based on standards prepared by the Director of Public Works and approved by the City Council.

(6) *City's right to inspect facilities and initiate fee adjustments and/or credits.*

(a) The Director of Public Works, or designee thereof, reserves the right to inspect periodically all storm drainage control facilities to ascertain that they are operating properly. If such a system, due to improper maintenance or other reason, fails to detain or cleanse storm water runoff in an effective manner, the Director of Public Works, or designee thereof, may eliminate or reduce detention or water quality credits to an appropriate level. The facility shall not be eligible to apply for storm drainage charge adjustments and/or credits for a period of 12 months following any adjustment and/or credit. Adjustments and credits shall not be made retroactively. An appeal from the Director of Public Works' determination may be made to the City Council.

(b) The issuance of any building permit or other action that changes or intensifies an existing land use shall be cause for an adjustment of storm water drainage charges to an appropriate level.

(2004 Code, § 53.129) (Ord. 01-289, passed 1-23-2001)

ADMINISTRATION AND ENFORCEMENT

§ 53.150 RIGHT OF ENTRY; IDENTIFICATION; SAFETY RULES.

(A) *Right of entry.* The Council or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation or testing, all in accordance with the provisions of this chapter. This includes inspection of buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. The city may allow for certification of compliance by a licensed plumber that

has received the authority to do so by the city. The city may periodically reinspect any building or premise to determine compliance with the requirements of this chapter.

(B) *Safety*. While performing the necessary work on private premises referred to in division (A) above, the duly authorized city employees shall observe all safety rules applicable to the premises established by the owner or the occupant.

(C) *Identification; right to enter easements*. The Council or duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement at all reasonable times, all subject to the terms, if any, of that easement.

(D) *Warrants*. If the licensee, owner, resident or other person in control of a premises objects to the inspection of or entrance to the property, the City Administrator, peace officer or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(2004 Code, § 53.140) (Ord. 781, passed 7-19-1988; Ord. 01-291, passed 5-22-2001)

§ 53.151 PUBLIC NUISANCES; ABATEMENT; EMERGENCY ABATEMENT.

(A) *Public nuisance*. The violation of any provision of §§ 53.001, 53.035 through 53.040, 53.055 through 53.063, 53.110 through 53.112, 53.116 or 53.150 of this code, shall constitute a public nuisance as that term is defined in this code of ordinances.

(B) *Abatement of nuisance; no immediate danger*. If it is determined that a public nuisance has been created, or is being maintained, by violation of this chapter (as set forth hereinabove), but that the nature of the nuisance is not so as to threaten great and immediate danger to the public health, safety, peace, morals or decency, written notice shall be served on the person causing or maintaining the nuisance to remove or correct the same (identifying the nature of the violation) within a specified reasonable time. The offender shall, within the period of time stated in the notice, abate the nuisance and permanently cease all violations.

(C) *Abatement of nuisance; immediate danger*. If it is determined that a public nuisance caused by the violation of this chapter exists, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor, City Engineer or Chief of Police may cause the same to immediately be abated, and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. If notice to abate the nuisance has been given to the owner, the cost shall be assessed against the real estate as a special charge.

(2004 Code, § 53.141) (Ord. 781, passed 7-19-1988) Penalty, see § 10.99

§ 53.152 APPEALS; PROCEDURES.

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Council interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Council a written request for reconsideration within ten days of the date of the decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Council shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Council is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Council. The written appeal shall be heard by the Council within 30 days from the date of filing. The Council shall make a final ruling on the appeal within ten days from the date of hearing.

(2004 Code, § 53.142) (Ord. 781, passed 7-19-1988)

§ 53.153 ANNUAL AUDIT; RATE NOTIFICATION.

(A) *Annual audit.* The city shall review, at least every year, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater treatment facilities, and the sewer service charge system. Based on this review, the city shall revise the sewer service charge system, if necessary, to accomplish the following:

(1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;

(2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater treatment facilities; and

(3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

(B) *Annual notification.* The city shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses and debt service costs of the wastewater treatment facilities.

(2004 Code, § 53.143) (Ord. 781, passed 7-19-1988)

§ 53.154 RECORDS.

The City Administrator shall be responsible for maintaining records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs and other information which is necessary to document compliance with 40 C.F.R. part 35, subpt. E, of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq.

(2004 Code, § 53.144) (Ord. 781, passed 7-19-1988)

Adopted by the Hutchinson City Council this 23rd day of June, 2026.

ATTEST:

Gary T. Forcier, Mayor

Matthew Jaunich, City Administrator