TITLE 13

PUBLIC UTILITIES

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TITLE 13 – PUBLIC UTILITIES
CHAPTER 1 – UTILITY CONNECTIONS

SECTIONS:

13-1-1 Duty of Abutting Owners Generally
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13-1-1 <u>Duty of Abutting Owners Generally.</u> Whenever the City Council shall order the permanent improvement of any street, highway, avenue, or public ground or place, by paving, graveling, or macadamizing the same, it shall be the duty of the owners of property abutting thereon to make connections from gas, water, sewers, and underground electric connections to the curb line of the abutting property before such ordered improvement is made.

13-1-2 <u>Connections After Improvement is Made.</u> In any case, where connections as referred to in Section 13-1-1 of this Chapter are not made before the improvement is made, no permit shall be permitted which shall require the cutting or displacement of any paving, graveling, or macadamizing as provided in such connections for a period of five (5) years from the date of the notice provided for in Section 13-1-4 of this Chapter, unless such connection is for an emergency or is deemed necessary by the City Engineer.

13-1-3 <u>Connections to be Made by Resolution.</u>

A. Connections as referred to in Section 13-1-1 of this Chapter shall be made, one for each utility connection required by the resolution of the City Council, for each lot of record owned by each property owner in residential districts and for each lot of record owned by each property owner in business districts; provided, however, that at least one of each utility connection of such connections required by the resolution of the City Council shall be made for each buildable parcel of land abutting upon the street or other public place ordered improved.

B. Whenever the Council shall have ordered the permanent improvement of any street, highway, avenue, alley, or public ground or place, by paving, graveling, or macadamizing the same and the connections from the gas, water, sewers, and underground electrical connections have not been made therefrom to the curb line for the abutting property to the extent and in the manner required by this Chapter, the Council shall by resolution declare the necessity of making such connections as it deems advisable, which resolution shall require all owners of property abutting upon the streets and other public places to be improved, naming and describing such streets, parts of streets, and public places as accurately as may be, to make the connections required on or before a day to be stated in such resolution and shall require water, electric, and communications connections to be made in the manner required by the rules of the Water, Electric, and Communications Board of Trustees of the City and in the manner required by the laws of the State of Iowa, the provisions of this Code, and other Ordinances of the City relating thereto.

13-1-4 <u>Publication and Form of Notice of Resolution Requiring Connection.</u> Upon the adoption of the resolution provided for in Section 13-1-3, the City Clerk shall give notice to each property owner by certified mail and one publication in some newspaper of general circulation published in the City at least twenty (20) days prior to the time fixed in the resolution and the notice by which the making of such connections must be completed. Such notice shall be substantially in the following form:

NOTICE TO PROPERTY OWNERS

To owners of property abutting upon the following named and described streets, parts of streets, highways, avenues, alleys, and public grounds and places, in the City of Muscatine, to-wit:

You and each of you are hereby notified that the City Council of the City of Muscatine, Iowa, has ordered the permanent improvement of the above named and described public places by paving the same and that you and each of you are required, on or before the _____ day of _____, 20_____ , to make connections from the____upon said public places to the curb line of your abutting property, one utility connection for each lot of record if in a residential district and for each lot of record in a business district, but at least one utility connection for each buildable lot or parcel of land.

All connections with water pipes, and electrical and communications lines shall be made in the manner required by the rules of the Water, Electric, and Communications Board of Trustees of the City and all other applicable municipal and state laws.

Should you fail to make said connections in the manner, of the kind and number, and by the date above mentioned, the City of Muscatine will cause the same to be made and will levy and assess the cost and expense thereof against the property in front of which they are made.

No permit will be hereafter issued for a period of five (5) years for the making of said connections which will require the cutting or displacement of the pavement after the same is laid, unless on an emergency basis as determined by the City.

Given by order of said City Council this _____day of _____, 20___.

_____
City Clerk

13-1-5 <u>Procedure When Abutting Property Owner Fails to Make Connection Generally.</u> If the owner of any lot, part of lot, or parcel of land abutting upon any street, highway, avenue, or public ground or place ordered to be improved as provided in the preceding Sections of this Chapter shall refuse, fail, or neglect to make the connections of the kinds and number and in the manner and by the date prescribed in the resolution and the notice thereof, the water, electric, and communications connections required shall be made by the Board of Water, Electric, and Communications Trustees of the City of Muscatine and the actual cost thereof shall be by such Board certified to the Council, and the Council shall cause the actual cost and expense thereof, as hereinafter set out, to be levied and assessed as a special tax against the property in front of which such connections are made as above provided. In the making of such connections the Council may, if it deems best, contract for the making of all such connections as are made necessary by the improvements ordered to be made at any one time. If the Council shall determine to contract for the making of such connections, it may advertise for bids thereon, stating the amount of work to be done and the manner thereof, but reserving the right to reject any and all bids.

13-1-6 <u>Cost; Expense Collection; Lien.</u> The cost and expense of the connections made or caused to be made by the City under this Chapter shall be paid by the City and the Council shall then levy and assess against the several lots, parts of lots, and parcels of land in front of which such connections are made, the cost and expense of making the same. The amount of money so levied and assessed against such lots, parts of lots, and parcels of land, with interest thereon at the rate established by the City Council, shall be a lien upon the real estate so assessed until paid and shall be certified for collection as other special assessments.

13-1-7 <u>Assessment Resolution; Notice.</u> Assessments as referred to in Section 13-1-6 of this Chapter shall be by resolution of the City Council and shall be substantially in the following form:

RESOLUTION

Be it resolved by the City Council of the City of Muscatine, Iowa: That there is hereby assessed against the following described lots, parts of lots, and parcels of land in the City of Muscatine, Iowa, owned as hereinafter stated, special taxes in the amounts hereinafter indicated for the cost and expense of making connections from_____to the curb line of the property described below and which the owners of said property have refused, failed, or neglected to make as heretofore ordered by the City Council.

Owner	Description of Property	Tax
_____	_____	_____

That this resolution be set for its consideration and passage at the next regular session of the Council and the City Clerk be directed to give notice thereof accordingly.

TITLE 13 – PUBLIC UTILITIES
CHAPTER 2 – WATER SUPPLY

SECTIONS:

13-2-1 Quality
13-2-2 Separation of Distribution Systems
13-2-3 Water Service Pipe
13-2-4 Flushometers
13-2-5 Shut-offs
13-2-6 Setting Water Meters
13-2-7 Pumps and Hydrants; Surface Water
13-2-8 Unauthorized Opening; Use
13-2-9 Tapping Water Mains; Distributing Pipes
13-2-10 Breaking Seals
13-2-11 Throwing Substances into Reservoirs; Water Mains
13-2-12 Outlets Kept Closed; Repair of Fixtures
13-2-13 Compliance
13-2-14 Breaking, Defacing Hydrants
13-2-15 Defacing Reservoirs; Tanks
13-2-16 Authorized Inspectors; Right of Entry
13-2-17 Plumbers Permit

13-2-1 Quality. The quality of water shall meet accepted standards of purity as established by the Board of Water, Electric, and Communications Trustees of the City of Muscatine, by the State of Iowa, and by the Federal Government.

13-2-2 Separation of Distribution Systems. The water supply shall be distributed through a piping system entirely independent of any piping system conveying any other supply.

13-2-3 Water Service Pipe. The water service pipe of any building shall be of sufficient size to permit an ample flow of water on all floors.

13-2-4 Flushometers. No water closet or urinal bowl shall be supplied directly from a water supply system through a flushometer or other valve unless such valve is set at least six inches (6") above the overflow rim of the water closet or urinal or in a manner such as to prevent any possibility of polluting the water supply.

13-2-5 Shut-offs. A main shut-off on the water supply line shall be provided near the curb. Accessible shut-offs shall be provided on the main supply line just inside the foundation wall and ahead of the meter.

13-2-6 Setting Water Meters. Plumbers shall provide for the setting of City water meters in accordance with the policies established by the Board of Water, Electric, and Communications Trustees.

13-2-7 Pumps and Hydrants; Surface Water. All pumps and hydrants shall be protected from surface water and contamination. Yard hydrants to furnish water for human consumption are hereby prohibited.

13-2-8 Unauthorized Opening; Use. No persons, except such as are duly authorized by the Board of Water, Electric, and Communications Trustees shall, except for fire purposes or in case of fire, open any fire hydrant or take or use any water therefrom, or remove the cap or cover of any fire hydrant or any stopgate box; or shall dig out, curb over, or remove any fireplug,

hydrant, stop-cock, valve, valve box, or other fixture appertaining to the waterworks; or use or take water from any part of the water system, or turn the water on or off from or into any water pipe.

13-2-9 Tapping Water Mains; Distributing Pipes. All tapping and inserting ferrules in the street mains or distributing pipes of the water system shall be done by employees of the Board of Water, Electric, and Communications Trustees, under the direction of the Board of Water, Electric, and Communications Trustees.

13-2-10 Breaking Seals. No person shall break any seal connected to any meter, valve, private fire hydrant, or other fixture that may have been sealed by employees of the Board of Water, Electric, and Communications Trustees, except that in case of fire the seals on private fire hydrants and private fire protection valves may be broken, but the breaking of such seals shall be reported to the water department of the Board of Water, Electric, and Communications Trustees within twenty-four (24) hours thereafter.

13-2-11 Throwing Substances Into Reservoirs; Water Mains. It shall be unlawful for any person to throw, place, or deposit any substance, or thing whatsoever, in any reservoir, water main, or pipe of the water system.

13-2-12 Outlets Kept Closed; Repair of Fixtures. All users of water supplied from the City mains shall keep the hydrants, taps, hose, water closets, urinals, baths, or other fixtures in good repair. Consumers of water shall prevent unnecessary waste of water and shall keep all water outlets closed when not in actual use.

13-2-13 Compliance. Consumers of water shall, in all respects, conform to the rules and regulations of the Board of Water, Electric, and Communications Trustees.

13-2-14 Breaking, Defacing Hydrants. Any person who shall, in any way, intentionally or carelessly break, deface, or otherwise injure or destroy any hydrant or other property appertaining to the water works, or property of others used in connection with the water supply, shall be liable for all damage done and shall be deemed guilty of a misdemeanor.

13-2-15 Defacing Reservoirs; Tanks. It shall be unlawful for any person to deface any reservoir or tank.

13-2-16 Authorized Inspectors; Right of Entry. Such inspectors as may be authorized by the Board of Water, Electric, and Communications Trustees may enter, at all reasonable hours, into any premises supplied with water from the City mains, to examine the plumbing, meters, tanks, or other apparatus or for the purpose of placing or carrying away any meter, instrument, pipes, fitting, or other appliance belonging to the Board of Water, Electric, and Communications Trustees.

13-2-17 Plumbers Permit. Plumbers and plumbing firms, desiring to work in connection with the water supply or the pipes, fixtures, and appliances appertaining thereto, shall first obtain a permit in the Office of the Board of Water, Electric, and Communications Trustees and shall subscribe to the rules and regulations of the Board of Water, Electric, and Communications Trustees.

All persons, except plumbers with a proper permit, are prohibited from making any extensions, additions to, or alterations of any pipes, fixtures, or appliances connected with service pipes attached to the City mains, or from, in any manner, intermeddling with the water system.

TITLE 13 – PUBLIC UTILITIES
CHAPTER 3 – GARBAGE AND RECYCLING COLLECTION

SECTIONS:

13-3-1 Definitions
13-3-2 Sanitation District
13-3-3 Deposit, Accumulation, and Burning
13-3-4 Preparation of Refuse and Recycling for Collection
13-3-5 Refuse Containers
13-3-6 Removal of Container Lids
13-3-7 Cleaning of Containers
13-3-8 Prohibited Materials
13-3-9 Containers - Location
13-3-10 Collection of Refuse and Recycling
13-3-11 Collection Fees
13-3-12 Notice of Multiple Dwellings
13-3-13 Violation Declared Nuisance
13-3-14 Responsibility of Owner to Terminate Service
13-3-15 Assessment of Unpaid Charges
13-3-16 Preparation of Delinquent List

13-3-1 <u>Definitions.</u> As used in this Chapter, the following terms shall have the meanings ascribed to them:

A. "Ashes" shall mean and include the ashes of wood, paper, coal, coke, or charcoal and the residue resulting from the combustion of any material or substance.

B. "Curbside" shall mean at the lot line abutting a public alley if the property is served by such an alley and shall mean within three feet (3') of the edge of the paved portion of a public street (a public sidewalk shall be excluded from the calculation of said three feet (3').

C. "Domestic refuse" shall mean garbage, ashes, and miscellaneous rubbish originating from a building or buildings containing exclusively dwelling units or accessory uses to a dwelling unit and shall be divided into the following three (3) classes:

1. Class I-Domestic (single family and multi-family up to five (5) units) refuse permitted to be stored in trash cans.
2. Class II-Domestic (six (6) or more dwelling units) and commercial refuse permitted to be stored in trash cans.
3. Class III-Domestic refuse consisting entirely of miscellaneous rubbish.

D. "Dumpster" shall mean any container with at least a two (2) cubic yard capacity and a maximum of four (4) cubic yard capacity and shall be equipped with a hinged lid, wheels, and such other equipment as is needed for mechanical dumping.

E. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

(Iowa Admin. Code r. 567-100.2[455B,455D])

F. "Hazardous materials" shall include explosive materials; drugs; poisons; radioactive materials; highly combustible materials; solid dressings, clothing, bedding, or other wastes which are contaminated by infection or contagious disease; other wastes which present an unreasonable risk of injury to collection personnel or equipment or to the public; and material as defined by the Iowa Department of Environmental Quality as hazardous.

G. "Household hazardous waste" shall mean toxic and/or corrosive products, e.g. oil-based paints, insecticides, thinners, solvents, cleaners, turpentine, furniture stripper, nail polish remover, etc.

H. "Industrial waste" shall mean wastes such as acids, oils, chemicals, grease, tires, vehicle and aircraft parts, ashes, cinders, and other wastes, including construction wastes, such as earth, plaster, metals, wood, plastics, tile, brick, concrete, terra cotta, slate, marble, minerals, and other similar wastes.

I. "Miscellaneous rubbish" shall mean materials or substances discarded as worthless, such as paper, rags, cardboard, wearing apparel, excelsior, sticks, chips, leaves, straw, bottles, crockery, metals, plastics, tin cans, and other household items.

J. "Recycling" means any process by which waste, or materials which would otherwise become waste, are collected, separated, or processed and revised or returned to use in the form of raw materials or products. "Recycling" includes but is not limited to the composting of yard waste which has been previously separated from other waste, but does not include any form of energy recovery.

(Code of Iowa, Section 455D.1)

K. "Refuse" means putrescible and non-putrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(*Iowa Admin. Code r. 567-100.2[455B,455D])*

L. "Residential premise" shall mean a single-family dwelling, a multiple family dwelling consisting of up to and including five (5) units, or a property used by the City of Muscatine.

M. "Rubbish" means non-putrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(Iowa Admin. Code r. 567-100.2[455B,455D])

N. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the Code of Iowa, Subsection 90. This definition does not prohibit the use of rubble at places other than a sanitary disposal project. Solid waste does not include toxic and hazardous wastes as defined by the Iowa Department of Natural Resources.

(Code of Iowa, Section 455B.301)

O. "Trash cart" shall mean the City provided roll out container with either a thirty-five (35) gallon, sixty-five (65) gallon, or a ninety-five (95) gallon capacity. Residents are to utilize plastic trash bags for trash disposal inside their trash cart.

P. "Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

(*Iowa Admin. Code r. 567-100.2[455B,455D])*

Q. "Yard waste bag" shall mean a special degradable bag supplied by the City with not less than fifteen (15) gallon capacity nor more than twenty-five (25) gallon capacity. This bag shall be capable of decomposing within 60 days of exposure to aerobic bacteria or ultraviolet light.

13-3-2 <u>Sanitation District.</u> There is hereby established in the City a sanitary district, such district to comprise and embrace all the area within the Corporate Limits of the City, for the collection and disposal of garbage and such other waste material as may become dangerous to the public health or detrimental to the best interests of the community, such provision being in compliance with the Code of Iowa.

13-3-3 <u>Deposit, Accumulation, and Burning.</u>

A. Unless otherwise provided, no person shall burn, place, throw, deposit, drop, dump, spill, or store, or cause to be burned, placed, thrown, deposited, dropped, dumped, spilled, or stored on any public or private property any refuse or hazardous material.

B. Unless otherwise provided, no owner shall allow to be accumulated on their premises any refuse or hazardous material.

13-3-4 <u>Preparation of Refuse and Recycling for Collection.</u> No person shall place refuse out for collection unless properly prepared for collection. Garbage shall be thoroughly drained and wrapped or placed in disposal containers before being placed into containers for collection. Recycling should be placed in the recycling container provided for collection. Yard waste that is not composted on the premises shall be prepared as follows:

A. Grass clippings shall only be placed in specially marked yard waste bags that are distributed by the City through retail outlets.

B. Tree limbs and trimmings, clippings, and other similar waste from shrubs or trees shall be bundled with degradable string or cord in four foot (4') lengths.

C. Leaves not collected by the City's leaf vacuum units shall be placed in yard waste bags distributed by the City through retail outlets.

D. Other yard wastes shall be placed in yard waste bags distributed by the City through retail outlets.

13-3-5 <u>Refuse Containers.</u> It shall be unlawful for any person to keep refuse on his premises except in the appropriate containers as prescribed in this Section. The required containers shall be as follows:

A. <u>Type of Building.</u>

1. <u>Residential Buildings of Five (5) Units or Less.</u> The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of

two (2) trash cans for a building containing five (5) or fewer dwelling units. The owner or the agent of the owner can request each tenant be billed at the residential rate for refuse collection services. The number of roll out carts will be based on the number of units. Each individual billing unit will be eligible for one City supplied cart.

2. Commercial and Industrial Buildings. The owner, agent of the owner, or the occupant of any multi-family units of six (6) units or more or commercial or industrial building shall provide a sufficient number of dumpsters or trash cans so that all commercial rubbish can be contained therein during the interval between collections.

B. Type of Refuse.

1. Garbage, Ashes, and Commercial Rubbish. This type of refuse shall be placed in either trash cans or dumpsters as required in (A) above.
2. Miscellaneous Rubbish. Miscellaneous rubbish shall be placed in suitable containers for handling and shall not exceed a loaded weight of fifty (50) pounds. Large discarded household articles shall be less than ten (10) cubic feet in volume and shall not weigh more than fifty (50) pounds. Yard waste shall be prepared and placed for collection as set forth in Section 13-3-4.

C. Separation of Yard Wastes Required. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises, collected by leaf vacuum units, or placed in degradable bags supplied by the City and set out for collection by the City.

D. Recycling. All items set out for recycling shall be placed in the recycling container provided to each resident.

13-3-6 Removal of Container Lids. No person shall remove a container lid or allow to remain uncovered a trash can or dumpster except for the purpose of depositing refuse therein, for collection thereof, or for the cleaning thereof.

13-3-7 Cleaning of Containers. The owner of a trash can, recycling container, or dumpster shall clean and maintain such in a sanitary condition.

13-3-8 Prohibited Materials. No person shall place or cause to be placed in containers for refuse any of the following materials:

A. Material contaminated by infectious or contagious disease. Such materials may be disposed of only according to applicable State and/or Federal Law.

B. Hazardous materials. Such materials may be disposed of only according to applicable State and/or Federal Law. However, household hazardous wastes are exempted.

C. Waste motor oil. Such material shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.

D. Lead acid batteries. Such materials shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.

E. Tires. Such materials shall only be disposed of at drop-off points designated by the City or in accordance with applicable State and/or Federal regulations.

F. Appliances. Such material shall only be disposed of at drop-off points designated by the City or in accordance with applicable State and/or Federal regulations.

13-3-9 <u>Containers—Location</u>

A. Refuse and recycling containers shall be placed for City collection pursuant to Subsections (B) and (C) at or before 5:00 o'clock A.M. on collection days, but in no case, earlier than 4:00 o'clock P.M. the day before collection. Empty containers on curb setouts shall be returned to the container storage area within twelve (12) hours after collection. The storage area shall be either within a building or to the rear or side of the residence. The owner and tenant/occupant are jointly and severally responsible for compliance with this Chapter.

B. Where City collections are made from alleys, refuse and recycling containers shall be placed adjacent to and in back of the property line abutting the alley. Special arrangements may be made with the City to permit containers or dumpsters in the alley if the owner's building is on the property line.

C. Where City collections are made from streets, refuse and recycling collection containers shall be placed within three feet (3') of the back of the curb line or the shoulder of the street without causing the container to be placed on any public street or sidewalk.

D. Recycling containers must be three (3') from any structure.

E. Owners who have requested a curbside pickup prior to their trash pickup day, may set out refuse to be collected in bags if the bags are completely intact and tightly sealed. Each household is allowed three (3) curbside pickups per calendar year for bulky items. Five (5) to seven (7) bulky items are allowed per pickup.

F. Any handicapped or senior citizen owner who is unable to set out their refuse containers pursuant to Subsections (B) and (C) may petition the Solid Waste Manager to collect their refuse at their regular storage area. The Solid Waste Manager may grant the request if reasonable grounds for the request exist.

13-3-10 <u>Collection of Refuse and Recycling.</u>

A. The City of Muscatine shall collect and dispose of weekly only Class I and Class III domestic refuse, but only if said domestic refuse is properly prepared for collection and disposal, is within an authorized container (if required), and is at curbside or adjacent to the alley.

C. The City of Muscatine will collect and dispose of Class II domestic and commercial refuse upon request by the owner, provided such refuse is within authorized containers.

D. The City shall adopt rules and regulations concerning what materials within Class III domestic refuse cannot practically be collected as part of the weekly scheduled City collection. Those rules and regulations shall be filed with the City Clerk. All such materials listed as not practical for weekly collection shall be collected by the City by special collection arranged through the Solid Waste Manager during the City's "cleanup" week in the spring.

D. All refuse other than Class I, II, and III domestic and commercial refuse picked up by the City of Muscatine shall be collected and disposed of at the expense of the occupant, tenant, owner, or agent of the owner of the premises upon which the refuse is located. The collection and disposal shall be performed by a licensed refuse hauler pursuant to Title 5, Chapter 15 of the City Code, or by equipment owned by the occupant, tenant, owner, or the agent of the owner of the premises upon which the refuse is located. Said collection and disposal shall be in accordance with this Code, all other ordinances of the

City, and with state and federal laws and regulations and shall be performed or done as often as the need requires but in no case less often than once per week.

E. Recycling is collected on a biweekly basis as determined by the Solid Waste Manager and contracted vendor. An updated schedule will be published annually.

F. Collection schedules for refuse and recycling may vary from one another during holiday schedules. The Solid Waste Manager will publish the holiday schedule prior to the holiday.

13-3-11 Collection Fees. The City Council shall establish by resolution monthly collection fees for Class I and III domestic waste and establish the guidelines for collection fees for Class II domestic and commercial accounts. The fees shall be set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

The City Council hereby delegates the billing of all refuse collection charges to the Board of Water, Electric, and Communications Trustees, except those customers without a utility account with the Board of Water, Electric, and Communications Trustees. The authority to accept payment of the same is also delegated to the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa.

As part of the duties delegated to the Board of Trustees, an accurate and complete record of such collections will be maintained and at least once each week, all funds so collected shall be deposited in a bank or banks specified by the Finance Director in the Refuse Collection Fund. The City Council authorizes that the Board of Trustees shall charge to the City a service charge for the cost of billing and collecting the refuse collection charges. As a part of the duties delegated to the Board of Trustees, an accurate and complete list of delinquent accounts shall be sent to the Finance Director on at least a monthly basis, in addition to regular monthly refuse collection revenue reports.

13-3-12 Notice of Multiple Dwellings. It shall be the duty of the owners of multiple dwellings to notify the City of the persons occupying the premises for which the services of this Chapter shall be required. The City shall keep a list of all persons occupying multiple dwellings and shall notify all owners thereof of delinquent accounts owed by the occupants of such premises, when such account shall be delinquent for more than three (3) months.

13-3-13 Violation Declared Nuisance. The presence on any premises of any garbage or refuse in violation of any Section of this Chapter is hereby declared a nuisance and it is hereby provided that either the owner or occupant, or both, of such premises shall be subject to the provisions as set forth in Title 9, Chapter 3 of the City Code.

13-3-14 Responsibility of Owner to Terminate Service. Charges shall be made against all premises and it shall be the responsibility of the owner or occupant to notify the City when service is not desired when the building is vacant.

13-3-15 Assessment of Unpaid Charges. The collection of garbage and refuse by the City, as provided by this Chapter, is hereby declared a benefit to the property so served and in case of failure to pay the monthly collection fee heretofore provided, then the monthly charge shall be assessed against the property benefited in the manner provided by special assessment.

(Code of Iowa, Section 364.12[3][h])

13-3-16 Preparation of Delinquent List. On or before April 1st of each year, the Director of Finance shall prepare a delinquent list of persons failing to pay the monthly charge required by this Chapter, which list shall show the property to which the service was rendered and the

amount due therefrom. The City Clerk shall thereupon prepare a resolution assessing the delinquent charges to the property so benefited, and which resolution having passed by an affirmative vote of the Council, shall be certified for collection as provided by law in cases of special assessment.

TITLE 13 – PUBLIC UTILITIES
CHAPTER 4 – SOLID WASTE DISPOSAL LANDFILL AND TRANSFER STATION

SECTIONS:

13-4-1 Definitions
13-4-2 Disposal Permit Required
13-4-3 Depositing Refuse
13-4-4 Use of Authorized Disposal Sites
13-4-5 Supervision of Disposal
13-4-6 Hours for Disposal
13-4-7 Removal of Refuse
13-4-8 Dumping in Public Places
13-4-9 Responsibility of Owner; Occupant
13-4-10 Garbage; Waste; Depositing on Riverfront
13-4-11 Disposal Charges
13-4-12 Prohibited Waste

13-4-1 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

A. "Disposal site" shall mean any public property operated by the City under permit by the Iowa Department of Natural Resources (IDNR). It shall include the transfer station, any landfill operated by the City under contractual agreement with the Muscatine County Solid Waste Management Agency, or any privately operated landfill under contractual agreement with the City, which has proper permit approval of IDNR.

B. "Rules" shall mean such rules, procedures, and regulations as established by the IDNR pursuant to the operation of sanitary and solid waste disposal sites and as required by Section 567-101 of the Administrative Code of Iowa.

C. "Solid waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including, but not limited to, such materials resulting from industrial, commercial, or domestic activities. Nothing herein shall be construed as prohibiting the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal site.

(Code of Iowa, Section 455B.300)

13-4-2 - Disposal Permit Required. No person owning or occupying any premises, and no officer controlling or in charge of City premises, shall cause any ashes, refuse, or other solid waste material to be placed thereon or shall allow such premises to be used as a public landfill or disposal site for ashes, refuse, or other solid waste material, without a permit from the IDNR, and only then in accordance with the rules prescribed by the IDNR.

13-4-3 Depositing Refuse. No person shall, without permission from the City of Muscatine and the Iowa Department of Natural Resources, throw or deposit in or upon any street, way, public place, or vacant lot, or throw into or deposit in any pond or body of water within the limits of the City any dead animal, dirt, sawdust, wastewater, rubbish, filth, or any refuse material or substance whatsoever.

13-4-4 Use of Authorized Disposal Sites. All of the materials mentioned herein and/or as defined by Section 567-113 of the Administrative Code of Iowa, shall be deposited and/or dumped at authorized disposal sites in accordance with Iowa Code Chapter 455B.

13-4-5 Supervision of Disposal. All disposal at the authorized landfill disposal site shall be under the supervision of the City and shall be performed in accordance with the rules and regulations established by Section 567.113 of the Administrative Code of Iowa.

13-4-6 Hours of Disposal. No refuse materials or substances shall be dumped at the public disposal site outside the hours of operation as posted at the site unless by permission of the City.

13-4-7 Removal of Refuse. It shall be unlawful for any person or commercial hauler to remove, haul, or carry away, or cause to be removed, hauled, or carried away refuse, rubbish, waste matter, garbage, debris, and solid waste of any nature and description from the City disposal site, except for authorized recycling personnel.

13-4-8 Dumping in Public Places. It shall be unlawful for any person to deposit upon any of the streets, alleys, or other public places any offensive material or solid waste which cause or will cause offensive odors and sights.

13-4-9 Responsibility of Owner; Occupant. Every person owning or occupying premises is hereby required to keep such premises clean and free from all offensive materials and solid waste which cause or are likely to cause offensive odors and sights.

13-4-10 Garbage, Waste: Depositing on Riverfront. No person shall deposit any garbage or solid waste matter whatsoever at any place along the riverfront or levee.

13-4-11 Disposal Charges. The City Council shall establish by resolution fees for the disposal of solid waste. The fees shall be as set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. Where applicable, unpaid disposal charges thirty (30) days past due from the date of billing will be assessed an interest penalty on the unpaid balance. This penalty will be as follows:

Unpaid Balance	Interest Penalty
0 - $100	0%
Over $100	1 1/2% per month

13-4-12 Prohibited Waste. There shall be no disposal of solid waste or refuse which is defined by the IDNR as hazardous or that is otherwise prohibited, upon any public or private land or sanitary landfill without the approval of the IDNR and the City of Muscatine. Prohibited wastes shall include, but are not limited to, lead acid batteries, waste motor oil, yard wastes, and tires.

TITLE 13 – PUBLIC UTILITIES
CHAPTER 5 – SEWAGE RATE SYSTEM

SECTIONS:

13-5-1 Purpose
13-5-2 Definitions
13-5-3 Analytical Requirements
13-5-4 Collection and Drainage
13-5-5 Sewage Rate Component
13-5-6 General Provisions
13-5-7 Collection

13-5-1 Purpose. The City of Muscatine, hereinafter called the "City", has undertaken to construct, expand, and operate a publicly owned treatment works (POTW) consisting of interceptor and trunk sewers, pumping stations, pressure pipe transmission mains, and secondary waste water treatment facilities to provide adequate and proper treatment of sewage and wastewater generated from all properties within the Corporate Limits of the City and to maintain required compliance with federal and state regulations.

The City has issued sewer revenue and general obligation bonds to finance construction of said publicly owned treatment works and is obligated to repay the bond principals and interest and maintain bond reserve funds, hereinafter called "fixed capital financing".

The City must collect revenues to operate and maintain expenses of said publicly owned treatment works including anticipated replacement expenses, hereinafter called "user charges".

13-5-2 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

A. Biochemical Oxygen Demand (BOD). Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C.), expressed in terms of mass and concentration (milligrams per liter (mg/L)).

B. Domestic Strength Wastewater Customer. Shall mean a customer whose wastewater strength approximates an average daily concentration of two hundred fifty milligrams per liter (250 mg/L) BOD and an average daily concentration of two hundred fifty milligrams per liter (250 mg/L) SS, or less but does not exceed an average daily standard strength units of a customer class 1 as defined in Section 13-5-5(A).

C. Industrial User (I.U.) or User. The source of non-domestic waste. The source of any direct or indirect discharge.

D. Significant Industrial User (S.I.G.). Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 gallons per day or more of process wastewater, ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

E. Operation and Maintenance Expenses. Shall mean those expenses incurred in the collection, pumping, and treatment of wastewater in the POTW of the City of Muscatine.

F. Replacement Expenses. Shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the publicly owned treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

G. Suspended Solids (SS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

H. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Clean Water Act that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, storm sewers, pipes, and other conveyances and devices used in the collection and transport of wastewater, stormwater or the combination of both.

I. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

J. Collection and Drainage Expenses. Shall mean those expenses incurred in the collection and conveyance of wastewater through the collection and drainage system of the City of Muscatine.

13-5-3 <u>Analytical Requirements.</u> All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the IDNR proficient in the analysis of wastewater following EPA 40 CFR 136.

A. Sampling and Analytical Fees. The City shall adopt by resolution reasonable charges and fees for sampling and analytical services which will be assessed to all users that the City is required to monitor as a requirement of a State or Federal Permit, the City's Pretreatment Program or that the City monitors to assess user charges. Such fees shall be periodically reviewed and adjusted as required by City personnel and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances

13-5-4 <u>Collection and Drainage.</u> To provide for the recovery of costs associated with the operation of the collection and drainage system, the following per bill charge shall be assessed to all users of the POTW, except for users provided by special agreement, on the following basis:

A. From September 1, 2013 through June 30, 2014, $11.20 per bill.
B. From July 1, 2014 through June 30, 2015, $11.45 per bill.
C. From July 1, 2015 through June 30, 2016, $11.70 per bill.
D. From July 1, 2016 through June 30, 2017, $11.90 per bill
E. From July 1, 2017 through June 30, 2018, $12.15 per bill.

These unit rates may be reviewed and adjusted by Resolution adopted by the City Council and published per Section 362.3 of the Iowa Code and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

13-5-5 <u>Sewage Rate Component.</u>

A. The sewage rate system shall be determined on the basis of a monthly customer charge and a sewer user charge for a domestic strength wastewater customer (Class 1 customer). The sewage rate components shall be as follows:

1. From September 1, 2013 through June 30, 2014:
   a. Customer charge, $7.06 per bill
   b. Volume, $2.42 per 100 cubic feet

2. From July 1, 2014 through June 30, 2015:
   a. Customer charge, $7.27 per bill
   b. Volume, $2.49 per 100 cubic feet

3. From July 1, 2015 through June 30, 2016:
   a. Customer charge, $7.49 per bill
   b. Volume, $2.57 per 100 cubic feet

4. From July 1, 2016 through June 30, 2017:
   a. Customer charge, $7.71 per bill
   b. Volume, $2.64 per 100 cubic feet

5. On and after July 1, 2018:
   a. Customer charge, $7.94 per bill
   b. Volume, $2.72 per 100 cubic feet

These sewage rate components may be reviewed and adjusted by resolution adopted by the City Council and published per Section 362.3 of the Iowa Code and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

6. The minimum charge for service shall be determined based on the customer charge and the unit rate for up to a minimum quantity of three hundred (300) cubic feet per month of normal domestic strength wastewater. The minimum charge for service for each month or fraction thereof shall be:

   a. From September 1, 2013 through June 30, 2014, $14.32
   b. From July 1, 2014 through June 30, 2015, $14.74
   c. From July 1, 2015 through June 30, 2016, $15.20
   d. From July 1, 2016 through June 30, 2017, $15.63
   e. On and after July 1, 2017, $16.10

The minimum charge for sewerage rates as set forth in this Section shall be in addition to the per bill charge for collection and drainage as set forth in Section 13-5-4.

The minimum sewerage service charge shall apply to any individual, firm, institution or private corporation discharging waste water or other liquid into the water pollution control facilities of the city, even though no water meter is installed upon his, her, or its premises.

These minimum charges for service may be reviewed and adjusted by resolution adopted by the City Council and published per Section 362.3 of the Iowa Code and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

7. The sewerage user charge component in this Section shall be applicable to all customers except those customers subject to a special agreement.

B. Customer Class System.

1. All customers shall be considered a standard classification customer except those customers that are subject to a special agreement. All customers shall be considered non-monitored customers, except the Director of the Water Pollution Control Plant may designate industrial users as monitored customers. Monitored customers shall be subject to the requirements for sampling and analytical testing in accordance with the schedule determined by the Director of the Water Pollution Control Plant. Any monitored customer shall be subject to the charges for analytical requirements as set forth in Section 13-5-3.

2. The classification system defines the relative Water Pollution Control Facilities cost associated with the wastewater strength for each class. The user charge shall be calculated from metered water use times the sewerage rate stated in Section 13-5-5(A) per 100 cubic feet times the factor presented in the following table, plus the customer charge per bill and the collection and drainage charge as stated in Section 13-5-4.

Customer Class	Factor Times Class 1 Rate
1	1.00
2	1.22
3	1.38
4	1.55
5	1.71
6	1.87
7	2.50
8	3.00
9	4.00
10	5.0 or greater

3. The City Administrator of the City of Muscatine and Director of the Water Pollution Control Plant shall be responsible for assigning customer classes to each type of customer. Customer class assignments of users will be given to the Board of Water, Electric, and Communications Trustees for implementation on the sewer user charges that are billed by the Board of Water, Electric, and Communications Trustees on behalf of the City. Customer class assignments shall be reviewed on an annual basis.

4. For each customer designated as a Class 10, the City Administrator and the Director of the Water Pollution Control Plant shall establish the appropriate classification rate which shall be at a rate of 5.0 or greater.

C. Senior Discounts. A discount of $1.00 per month shall be given to all metered dwellings where the customer as the occupant is a qualifying senior citizen sixty-five (65) years of age and older.

D. Summer Rates. User charges for Class 1 domestic residential users will be based on water usage during the winter quarter months of December, January and February of each year. Subsequent monthly sewer bills will be no more than 115% of the billed usage during the previous winter quarter. The City Administrator and the Director of the Water Pollution Control Plant will be responsible for implementing specific procedures in effecting this rate.

13-5-6 General Provisions.

A. The monthly service charges, rates, or rentals as specified in Sections 13-5-4 and 13-5-5 hereof, shall be increased by ten percent (10%) for all users of the treatment works who are located outside of the Corporate Limits of the City and who have been granted permission by the City to discharge to the POTW.

B. At the request of an industrial user and with the approval of the City Council, the City and customer may enter into a separate agreement that provides for sewer user charges. The agreement shall establish the charges that would otherwise be due and payable under the provisions of Section 13-5-4 and Section 13-5-5. Such agreement shall include provisions for the establishment of sewer user charge rates, the method of payment and the method of sampling and analytical analysis. The special agreement shall provide for the method of determining the sewer user charges provided the revenue generated under a special agreement shall not be less than the established rates for a Class 1 domestic customer.

C. Any customer may provide separate water and/or wastewater meters as approved by the Director of the Water Pollution Control Department and the water department of the Board of Water, Electric, and Communications Trustees at their own expense to determine that volume of their total water usage which discharges to the Water Pollution Control Facilities.

D. The rates and classifications provided in this Ordinance shall be reviewed annually to determine that the same are fair and equitable and may be changed periodically at the discretion of the City Council.

E. The Director of Water Pollution Control and other authorized representatives of the Department of Water Pollution Control shall be entitled to access to the premises of any contributor in accordance with Chapter 6, Section 13-6-7.1 and 13-6-7.2.

13-5-7 Collection.

A. The City Council hereby delegates the billing of all sewer use charges except those subject to special agreements under the provisions of Section 13-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Water, Electric, and Communications Trustees and the authority to accept payment of the same to the Board of Water, Electric, and Communications Trustees, in accordance with the foregoing schedule and said schedule shall be certified to the Board of Water, Electric, and Communications Trustees by the City.

   As part of the duties delegated to the Board of Water, Electric, and Communications Trustees, an accurate and complete record of such collections will be maintained and at least once a week, all funds so collected shall be deposited in a bank or banks specified by the Finance Director in the Sewer Fund. The City Council authorizes the Board of Water, Electric, and Communications Trustees to charge the City a service charge for the cost of billing and collecting the sewerage rate system. As a part of the duties delegated to the Board of Water, Electric, and Communications Trustees, an accurate and complete list of delinquent accounts shall be sent to the Finance Director on at least a monthly basis, in addition to regular monthly sewer revenue reports.

B. The City Council hereby delegates the billing of sewer use charges for those users subject to a special agreement under Section 13-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Water, Electric, and Communications Trustees, and the authority to accept payment of same to the Finance Director of the City of Muscatine, Iowa.

C. The service charge, rate, or rental as provided in Section 13-5-5 hereof, shall be applied to the quantity of water used or wastewater discharged by each contributor of sewerage and other wastewater or liquid for each individual water or wastewater meter contributing to said Water Pollution Control Facility as determined by the monthly water or wastewater meter readings of the Board of Water, Electric, and Communications Trustees. Quantities of wastes originating from users with privately owned water supplies or unmetered water supplies will be determined to the satisfaction of the City at the expense of the owner of the system.

D. The service charge, rate, or rental herein established for all users, except those subject to a special agreement under Section 13-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Trustees shall be due and payable to Board of Water, Electric, and Communications Trustees at the Muscatine Power and Water business office with the billing schedule for water service.

E. Unpaid service charges, rates, or rentals not paid within the billing schedule shall be delinquent. Such charges, rates, or rentals which are delinquent may be certified by the Finance Director to the County Auditor of Muscatine County, Iowa, for collection in the same manner as property taxes as provided in Iowa Code, Section 384.84.

F. Unpaid service charges, rates, or rentals thirty (30) days past due may be assessed an interest penalty on the unpaid balance. This interest penalty will be as follows:

Unpaid Balance	Interest Penalty
$0 - $1,000	0% per month
Over $1,000	1 1/2% per month

TITLE 13 – PUBLIC UTILITIES
CHAPTER 6 – SEWER USE REGULATIONS

SECTIONS:

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13-6-17.4 Prohibition of Illicit Connections

13-6-1.0 GENERAL PROVISIONS. This Ordinance regulates the use of residential and non-residential public and private sewers, drains, and wastewater pretreatment and treatment systems, and the discharge of waters and wastes into the City's wastewater system, stormwater system, drainage facilities, watercourses, and outfalls; and provides for penalties for the violation thereof.

13-6-1.1 Purpose and Policy. This Ordinance sets forth uniform requirements for users of the wastewater collection and wastewater treatment system of the City of Muscatine, Iowa and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (1977) and the General Pretreatment Regulations (40 CFR 403). The objectives of this Ordinance are:

A. To prevent the introduction of pollutants into the publicly owned treatment works (POTW) which will interfere with the operation of the system or contaminate the sludges;

B. To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into the receiving stream, atmosphere or otherwise be incompatible with the system;

C. To protect the personnel who may be affected by wastewater, sewer sludges and biosolids in the course of operating the POTW;

D. To ensure that the quality of the wastewater treatment biosolids are maintained at a level to allow for its use, recycle, reclamation, or disposal in compliance with applicable statutes and regulations;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

F. To enable the City of Muscatine to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids use and disposal, and any other State or Federal laws to which the POTW is subject.

This Ordinance provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires users reporting, establishes administrative review procedures, and provides for the setting of fees for the equitable distribution of cost resulting from the program hereby established.

The provisions of this Ordinance shall apply to all direct or indirect contributors to the wastewater collection and treatment system in the City of Muscatine or by contract or agreement outside of the City of Muscatine.

13-6-1.2 Administration. Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this Ordinance. Any of the powers granted or duties delegated upon the Director, may be delegated by the Director to other city personnel.

13-6-1.3 Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

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

2. Approval Authority. The Executive Director of the Iowa Department of Natural Resources is the Approval Authority.

3. Authorized Representative of the Industrial User.

    a. If the industrial user is a corporation, authorized representative shall mean:
        i. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
        ii. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    b. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
    c. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
    d. The individuals described in paragraphs a-c above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Muscatine.

4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/L)).

5. Biosolids. Treated sewage sludge that meets the EPA pollutant and pathogen requirements for land application and surface disposal. Nutrient rich material, that is solid or semi-solid, obtained from wastewater, that is treated and stabilized and can be used for fertilizer.

6. Building Sewer. The piped extension from the building drain to the public sewer or other place of disposal.

7. ByPass. The intentional diversion of waste streams from any portion of a user's sewer system, treatment facility or pretreatment facility or other control facility.

8. Carbonaceous Biochemical Oxygen Demand (CBOD). A quantitative measure of the amount of dissolved oxygen required for the biological oxidation of carbon-containing compounds in a sample.

9. Categorical Industrial User. An industrial user subject to national categorical pretreatment standards.

10. Categorical Pretreatment Standard or Categorical Standard. Limitations on pollutant discharges to publicly owned treatment works promulgated by EPA in accordance with Section 307 of the Clean Water Act (CWA) that apply to specified process wastewaters of particular industrial categories [40 CFR 403.6 and Parts 405-471].

11. Combined Sewer. A pipe or conduit designed and intended to receive and convey wastewater, stormwater including roof and street drainage, unpolluted water and cooling water.

12. Combined Sewer Overflow (CSO). A discharge that occurs from a combined sewer into waters of the State when the flow in the combined sewer exceeds the capacity of the combined sewer or flow regulation facility due to wet weather conditions.

13. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

14. Control Authority. The Director is the Control Authority.

15. Cooling Water. Water discharged from any use such as air conditioning cooling or refrigeration to which the only pollutant added is heat.

16. Director. The person designated by the City of Muscatine, Iowa, to direct the operation of the publicly owned treatment works (POTW) who is charged with certain duties and responsibilities by this Ordinance, or his or her duly authorized representative.

17. Direct Discharge. The discharge of treated or untreated water directly into the waters of the State of Iowa.

18. Discharge or Indirect Discharge. The discharge or indirect discharge of any pollutant from any source (including holding tanks) regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317) into the POTW.

19. Discharge Permit. Means a permit issued by the City to a user for a discharge of wastewater or stormwater into the City system.

20. Dry Weather Flow. In a combined sewer means flow which is a combination of sanitary flow, industrial flow and infiltration with no contribution from stormwater runoff.

21. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

22. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

23. Grab Sample. A sample which is taken from a waste stream on a onetime basis without regard to the flow in the waste stream and without consideration of time.

24. General Permit-An NPDES permit issued under 40 CFR 122.28 that authorizes a category of discharges under the CWA within a geographical area. A general permit is not specifically tailored for an individual discharger.

25. General Pretreatment Standards. Means any regulations containing pollutant discharge limits or requirements applicable to all industrial users, promulgated by EPA in 40 CFR Chapter One, Subchapter N, Parts 401 through 403 (as amended), in accordance with Section 307(b) and (c) of the Clean Water Act.

26. Industrial User (I.U.) or User. The source of nondomestic waste. The source of any direct or indirect discharge.

27. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

28. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, disease causing etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

29. Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

    a. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States;
    b. Designed or used for collecting or conveying stormwater;
    c. Which is not a combined sewer.

30. Naics. North American Industry Classification System. An industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.

31. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or any other body of surface or ground water.

32. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

33. New Source.

   a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
      i. The building, structure, facility or installation is constructed at a site at which no other source is located; or
      ii. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
      iii. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
   b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (a) (ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
   c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
      i. Begun, or caused to begin as part of a continuous on-site construction program; or
      ii. Any placement, assembly, or installation of facilities or equipment; or
      iii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
      iv. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

34. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

35. Outfall. Means any point of discharge into a watercourse, or other body of surface or groundwater.

36. Pass Through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

37. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

38. pH. A measure of the acidity or alkalinity of a substance expressed in standard units.

39. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of

discharging or otherwise introducing such pollutants into a publicly owned treatment works [40 CFR 403.3(q)].

40. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

41. Pretreatment Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

42. Private Sewer. Means a sewer within the boundaries of the City but not owned or controlled by the City.

43. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13-6-2.3 of this Ordinance.

44. Pollutant. Means any substance which, alone or in combination with other substances, if discharged to waters of the State in sufficient quantities, causes or is reasonably certain to cause any alteration of the physical, chemical or biological properties of such waters; or to create a nuisance; or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses or to any organism, aquatic life, plant or animal.

45. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the CWA that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, storm sewers, pipes, and other conveyances and devices used in the collection and transport of wastewater, stormwater or the combination of both.

46. Sanitary Sewer. Means a pipe or conduit designed and intended to receive and convey wastewater as defined herein.

47. Sanitary Sewer Overflow (SSO). Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

48. Sanitary Wastewater. Means wastewater emanating from the sanitary conveniences, including toilet, bath, laundry, lavatory, and/or kitchen sink, of residential and non-residential sources, as distinct from industrial waste.

49. Separate Storm Sewer. Means a pipe, conduit, conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, roof runoff, condensate, non-contact cooling water or storm drains) designed and intended to receive and convey stormwater, as defined herein and which discharges to waters of the State and which is not part of the combined sewer system.

50. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

51. Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).

52. Shall is mandatory. May is permissive.

53. Significant Industrial User. Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 Gallons Per Day (gpd) or more of process wastewater, ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

54. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 13-6-2.3 of this Ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

55. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget, 1972.

56. Standard Methods. The latest edition of "Standard Methods for the Examination of Water and Wastewater" as published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

57. State. The State of Iowa.

58. Storm Sewer. A sewer which carries stormwater, surfacewater, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, non-contact cooling water, but excludes all pollutants, sewage or wastewater.

59. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt.

60. Stormwater System. The entire system of combined sewers and separate storm sewers, operated by the City, for the collection, storage and treatment of stormwater to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements made thereto or as may be acquired by the City.

61. Surface Water. All water appearing on the land surface as distinguished from groundwater and including water appearing in watercourses, lakes, and ponds.

62. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

63. Total Suspended Solids (TSS). All matter in water, wastewater, or other liquids; that is retained on a filter as determined by Standard Methods and expressed in milligrams per liter.

64. Total Toxic Organics (TTO). The summation of all quantifiable values greater than .01 mg/l for the applicable toxic organics included in the listing in 40 CFR 401.15 of toxic pollutants identified pursuant to Section 307(a)(1) of the Clean Water Act as determined using the analytical techniques specified in 40 CFR136 and expressed in milligrams per liter. For discharges subject to categorical pretreatment standards, the list of organics to be included in the local TTO limit specified in this Ordinance and in the Industrial

Discharge Permits, the organics to be included in the TTO are all of those from the list in 40 CFR 401.15 which are or may be present in the discharge.

65. Toxic Pollutant. Any substance which alone or in combination with other substances, when discharged to a wastewater system, stormwater system or watercourse in sufficient quantities, interferes with any biological wastewater treatment process, or, either through direct exposure or through indirect exposure by ingestion through the food chain, interferes with the normal life processes of any organism, aquatic life, plant or animal or causes adverse human health impacts. Toxic substances include, but are not limited to pollutants listed as toxic in 40 CFR 401.15 pursuant to section 307(a)(1) of the CWA and those listed as toxic in sludge pursuant to section 405(d)(2) of the CWA.

66. Treatment. The reduction or elimination of pollutants in wastewater or stormwater prior to discharge to waters of the State.

67. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment or treatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment or treatment facilities, lack of preventive maintenance, or careless or improper operation.

68. User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

69. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

70. Wastewater Treatment Plant or Water Pollution Control Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

71. Watercourse. A natural or manmade surface drainage channel or body of water (including a lake or pond) in which a flow of water occurs, either continuously or intermittently.

72. Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

73. Wet Weather Flow. In a combined sewer means flow which is a combination of sanitary flow, industrial flow, infiltration and stormwater runoff.

74. Whole Effluent Toxicity (WET). The total toxic effect of an effluent measured directly with a toxicity test.

13-6-1.4 Abbreviations. The following abbreviations shall have the designated meanings:

1. BMR - Baseline Monitoring Report

2. BOD - Biochemical Oxygen Demand

3. C - Celsius

4. CBOD - Carbonaceous Biochemical Oxygen Demand

5. CFR - Code of Federal Regulations

6. COD - Chemical Oxygen Demand
7. CSO - Combined Sewer Overflow
8. CWA - Clean Water Act
9. EPA - U.S. Environmental Protection Agency
10. F - Fahrenheit
11. FOG - Fats Oils and Grease
12. gpd - Gallons per day
13. IAC - Iowa Administrative Code
14. IDNR - Iowa Department of Natural Resources
15. L – Liter
16. lbs/day - Pounds per day
17. mg – Milligrams
18. mg/L or mg/l - Milligrams per Liter or Parts Per Million (ppm)
19. MGD - Million gallons per day
20. NAICS - North American Industry Classification System
21. nm - Nanometer
22. NPDES - National Pollutant Discharge Elimination System
23. O&G or O/G - Oil and Grease
24. O&M - Operation and Maintenance
25. POTW - Publicly Owned Treatment Works
26. ppm - Parts Per Million or Milligrams per Liter (mg/L)
27. RCRA - Resource Conservation and Recovery Act
28. SIC - Standard Industrial Classifications
29. SSO - Sanitary Sewer Overflow
30. SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.).
31. TSS - Total Suspended Solids
32. USC - United States Code
33. WET - Whole Effluent Toxicity

34. WPCP - Water Pollution Control Plant

13-6-2.0 GENERAL SEWER USE REQUIREMENTS

13-6-2.1 Use of POTW Required.

A. No unauthorized person shall uncover, make any connections with, or open into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the City in accordance with the Schedule of Fees and Charges Fees in Appendix C to this Code of Ordinances.

B. It shall be unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, private vat, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within two hundred fifty feet (250') of the property line. Any septic tank, cesspool, lagoon, or other residential, or non-residential wastewater treatment facility shall be abandoned and filled with suitable material as per applicable City Ordinances and/or State or local regulations or shall be removed unless such system is to be used for pretreatment or control of wastewater prior to discharge to the City wastewater system.

E. All multiple stack connections shall be prohibited. Every structure within the City which is required to connect to the public sewer, as provided in Section 13-6-2.1(D), shall have an independent connection made or caused to be made at no expense to the City unless specifically approved in writing by the City.

13-6-2.2 Private Sewer Systems.

A. Where a public sanitary sewer is not available under the provisions of Section 13-6-2.1(D), the sewers as therein provided shall be connected to a private sewage disposal system complying with the provisions of this Section.

B. No private sewage disposal system shall be constructed without first obtaining a permit to so construct in accordance with the provisions of this Chapter.

C. Before issuance of a permit to construct a private sewage disposal system, the owner or applicant shall submit to the City plans, specifications, or other information as deemed necessary by the City. The fee for such a permit shall be as set by resolution of City Council and is set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. Any percolation test must be made and certified by a licensed engineer.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Iowa. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

E. In addition to complying with the provisions of this Code, all commercial and industrial facilities utilizing a private disposal system shall obtain a permit from the IDNR when employing more than fifteen (15) persons and/or discharging other than sanitary waste to the private disposal system.

F. At such time as a public sewer becomes available to a property serviced by a private sewage disposal system as provided in Section 13-6-2.1(D), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

G. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

H. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any health officer.

13-6-2.3 <u>Prohibited Discharge Standards.</u> No user shall introduce or cause to be introduced either directly or indirectly into the POTW any pollutant or wastewater which will interfere with the operation or performance or cause pass through or interfere with the POTW. These prohibitions, both general and specific, apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standard or requirement. Furthermore, no user may contribute the following substances to the POTW:

A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, and other flammable or explosive fuels.

B. Any wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive damage to the POTW or equipment, or endangering City personnel.

C. Solid or viscous substances which may cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch (1/2") in any dimension. Included, but not limited to, bones, hide or fleshings, entrails, feathers, ashes, sand, spent lime, metal, glass, straw, shavings, grass clippings, diapers, rags, spent grains, wastepaper, wood, plastics, tar, asphalt, grease, or garbage.

D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

E. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 88 degrees F (31 degrees C).

F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

H. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with Section 13-6-3.6.

I. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

J. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations.

K. Storm water, surface water, ground water, artesian well water, roof runoff, interior and exterior foundation drains, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.

L. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

M. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

N. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

O. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

P. Any wastewater causing the treatment plant's effluent to fail an effluent toxicity test, violate its NPDES permit or the receiving stream water quality standards.

Q. Any discharge of fats, oil, or grease of animal or vegetable origin is limited to 100 mg/L.

R. Any discharge of waste that interferes with the UV disinfection system which absorbs light or will cause interference with the transmittance of light at 254nm.

Wastes prohibited by this Section shall not be stored or processed in such a manner that they could be discharged to the POTW. All floor drains located in such process or material storage areas must discharge to the user’s pretreatment facility before connecting to the POTW. When it is determined that a user or users are contributing to the POTW, any of the above listed substances in amounts to interfere with the proper operation of the POTW, the Director shall: 1) advise the user(s) of the impact on the POTW; and 2) develop a limitation for the user(s) to correct the interference on the POTW; or 3) proceed with remedies contained in Sections 13-6-10.0 through 13-6-12.0.

13-6-2.4 Federal Pretreatment Standards

A. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

B. Upon promulgation of Federal categorical pretreatment standards for a particular industry subcategory, the Federal Standard if more stringent than stated in this Ordinance, shall immediately supersede the limitations imposed by this Ordinance.

   The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

13-6-2.5 State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements or limitations or those in this Ordinance.

13-6-2.6 Specific Pollutant Limitations. Specific local limitations will be established by resolution and published per Section 362.3 of the Iowa Code. These local limits shall be periodically reviewed for any substance which would cause the POTW to be in noncompliance of the requirements of its NPDES permit, the receiving streams water quality standards, Federal or State sludge regulations, the City's Biosolids Recycle Program, the City's Pretreatment Program, or any other local, State or Federal regulations. Current limitations are hereby established as a composite loading of all users contributing the following specific pollutants to the POTW:

A. Not to exceed the following 30 day average mass loading in the influent to the POTW:

CBOD	21,500 lbs/day
TSS	13,700 lbs/day
TKN	1,670 lbs/day
E. Coli	126 MPN/100ml Geometric Mean

B. Not to exceed the following respective loadings in the influent to the POTW:

Arsenic	1.84 lbs/day	Nickel	4.27 lbs/day
Cadmium	1.36 lbs/day	Selenium	8.60 lbs/day
Chromium	16.33 lbs/day	Zinc	40.0 lbs/day
Copper	11.12 lbs/day	Silver	3.61 lbs/day
Lead	4.61 lbs/day	Cyanide	1.21 lbs/day
Mercury	0.38 lbs/day	Phenol	599 lbs/day
Molybdenum	0.66 lbs/day		

C. Any specific local pollutant limitation, including allocations contained in a wastewater discharge permit, may be adjusted by the Director as necessary to meet current composite loading limits or such composite loading limits that may become necessary as a result of changes in Federal, State or local regulation or POTW capacity.

13-6-2.7 City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 13-6-1.1 of this Ordinance or the general and specific prohibitions in Section 13-6-2.3 of this Ordinance.

13-6-2.8 Special Agreements. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

13-6-2.9 Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 13-6-3.0 PRETREATMENT OF WASTEWATER

13-6-3.1 Pretreatment Facilities. Industrial users shall provide the necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 13-6-2.3 above within the time limitations specified by the EPA, the State, or the Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans and/or written description of the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The installation and activation of any required pretreatment facility shall be in accordance with a specified schedule approved by the City. The City may require regular progress reports of required changes to an industrial user's pretreatment facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Ordinance.

13-6-3.2 Additional Pretreatment Measures

A. When deemed necessary, the Director may require users to restrict discharge during peak flow periods, designate certain wastewaters be discharged into specific sewers, or separate sewage waste streams from industrial waste streams. Suitable flow control and storage may be required to provide flow equalization and regulation.

B. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand. Such interceptors shall not be required of residential users. All interceptor units shall be of a type and capacity approved by the Director and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired by the owner at his expense.

C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13-6-3.3 <u>Accidental Discharge.</u> Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before construction. Such facilities shall be provided and maintained at the owner's or user's own cost. Review and approval of such plans and procedures shall not relieve the user from any responsibility to modify the user's facility as necessary to meet the requirement of this Ordinance. In the case of any accidental discharge or slug load, it is the responsibility of the user to immediately notify the POTW in accordance with Section 13-6-6.6 of this Ordinance.

13-6-3.4 <u>Accidental Discharge/Slug Control Plans.</u> The Director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every five years the Director shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges.

B. Description of stored chemicals.

C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 13-6-2.3 of this Ordinance.

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

13-6-3.5 <u>Tenant Responsibility</u> Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this Ordinance.

13-6-3.6 <u>Hauled Wastewater</u>

A. <u>Permitting Requirements.</u> In accordance with Section 13-6-4.2, commercial septic tank cleaners, including industrial waste haulers, must apply for and obtain a permit from the City of Muscatine Water Pollution Control Plant (WPCP) before disposing of septage or wastewater from any private waste facility, septic tank, industry or non-residential source.

B. <u>Permitting Procedures</u>

1. <u>Application for permit.</u> Commercial septic tank cleaners, including industrial waste haulers, shall apply for a permit by completing an application form provided by the City of Muscatine (WPCP) and submitting it to the Pretreatment Coordinator, Muscatine Water Pollution Control Plant, 1202 Musser Street, Muscatine, Iowa 52761-1645. In the case of a commercial septic tank cleaner, including an industrial waste hauler, which is a corporation, partnership, association, or any other business entity, the entity itself must apply as provided in this Ordinance. The entity shall designate

one person in accordance with Section 13-6-1.3 (C) to act as its authorized representative for the purpose of applying for a permit. Individuals employed by a commercial septic tank cleaner business, including industrial waste haulers, are not required to be separately permitted. Each cleaning unit (vehicle or tank) must have the state license and city permit number prominently displayed and a copy of the current state license and city permit with each vehicle.

2. Permit Fee. The initial permit application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the City of Muscatine. The fee shall be determined annually by the Director.

3. Permit Renewal. A commercial septic tank cleaner or industrial waste hauler permit must be renewed annually by the expiration date specified on the permit. Renewal application must be made on an application form provided by the Muscatine WPCP, and must be received by the WPCP Pretreatment Coordinator or postmarked at least thirty (30) days prior to the expiration date. The renewal application form must be accompanied by the permit fee specified in Section 13-6-3.6 (B) (2).

4. Change in Ownership. Within thirty (30) days of a change in ownership of any commercial septic tank cleaner or industrial waste hauler, the new owner shall furnish the Muscatine WPCP with the following information in writing: 1) name of business and permit number; 2) name, address, and telephone number of new owner; and 3) the date the change in ownership takes place. The permit will transfer with the ownership with no additional fee due until the next renewal date.

5. Suspension, Revocation, and Denial of Permit. The City may suspend, revoke, or deny a commercial septic tank cleaner permit for any of the following reasons:

   a. Material misstatement of facts in a permit application.
   b. Failure to provide the adequate permit application fee.
   c. Failure to satisfy the obligations of a commercial septic tank cleaner and standards as provided in the Code of Iowa and the Muscatine City Code.
   d. Failure to maintain state commercial septic tank cleaner license.

6. Appeal. A commercial septic tank cleaner or industrial waste hauler may appeal the suspension, revocation, or denial of a permit under Section 13-6-5.3 of this Ordinance.

7. Reinstatement In the case of a denial, revocation, or suspension pursuant to Section 13-6-3.6 (B) (5) (b) or (c), the City may immediately reinstate or issue a permit after receipt of the requisite fee or confirmation that the commercial septic tank cleaner or industrial waste hauler is fulfilling the requirements of this Ordinance. In the case of a denial, revocation, or suspension pursuant to Section 13-6-3.6 (B) (5) (a) or (d), the City may reinstate or issue a permit no sooner than sixty (60) days after the denial, revocation, or suspension, if the City is satisfied the commercial septic tank cleaner or industrial waste hauler has corrected the deficiency and will comply with the City ordinances in the future.

8. Continuation. An expired permit will continue to be effective and enforceable until the permit is reissued if:

   a. The permittee has submitted a complete permit application at least 30 days prior to the expiration date of the users existing permit; and
   b. The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

C. Standards for Discharge to the Muscatine Water Pollution Control Plant

1. Disposal of wastes from private waste facilities shall be carried out in accordance with the rules established by the Iowa Department of Natural Resources (IDNR), the Muscatine City Code and any such laws, regulations, standards, or requirements that may become effective.

   a. Any tanks or equipment used for hauling from private waste facilities shall not be used for hauling hazardous or toxic wastes as defined in the Code of Iowa 567, Chapter 131, or other wastes detrimental to wastewater treatment plants; and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.
   b. The name and address of the permit holder shall be prominently displayed on the side of the tank or vehicle.
   c. All vehicles shall display the state commercial septic tank cleaner license and city permit numbers assigned to the commercial septic tank cleaner on the vehicle as to be readable by WPCP electronic monitoring equipment.
   d. Waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities may be disposed of by discharging, with proper approval, to the Muscatine Water Pollution Control Plant.
   e. Waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities shall only be discharged at a designated structure within the treatment plant area, and only at such times as are established by the Director, provided such wastes do not violate any requirements established or adopted by the City.
   f. Fees for discharging waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities shall be established as part of the industrial user fee system as authorized in Section 13-6-15.1.
   g. All vehicles shall be equipped with appropriate discharge equipment as to be compatible with the facilities provided at the Muscatine WPCP discharge station.

13-6-3.7 Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 13-6-10.0, 13-6-11.0, and 13-6-12.0.

SECTION 13-6-4.0 WASTEWATER DISCHARGE PERMIT ELIGIBILITY

13-6-4.1 Wastewater Survey. When requested by the Director all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the Ordinance.

13-6-4.2 Wastewater Discharge Permit Requirement

A. It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 13-6-10.0, 13-6-11.0, and 13-6-12.0. Obtaining a

wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

B. The Director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

13-6-4.3 <u>Wastewater Discharge Permitting, Existing Connections.</u> Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the City for a wastewater discharge permit in accordance with Section 13-6-4.6 below, and shall not cause or allow discharges to the POTW to continue after one hundred and eighty (180) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director.

13-6-4.4 <u>Wastewater Discharge Permitting, New Connections.</u> Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

13-6-4.5 <u>Wastewater Discharge Permitting, Extra Jurisdictional Industrial Users.</u>

A. Any existing significant industrial user located beyond the City limits shall submit a wastewater discharge permit application, in accordance with Section 13-6-4.6 below, within ninety (90) days of the effective date of this Ordinance. New significant industrial users located beyond the City limits shall submit such applications to the Director ninety (90) days prior to any proposed discharge into the POTW.

B. Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

13-6-4.6 <u>Wastewater Discharge Permit Application.</u> In order to be considered for a wastewater discharge permit, all users required to have a permit must submit an application, in the form required by the City, accompanied by the proper fee as set by resolution of City Council and is set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances.

The application must contain the information required in Section 13-6-6.1(B) of this Ordinance. In addition the following information shall be supplied:

A. Name, address, and location if different from address.

B. NAICS industry classification number

C. Wastewater constituents and characteristics including, but not limited to, those in Section 13-6-2.3 of this Ordinance as determined by a certified laboratory. Sampling and analysis performed in accordance with Section 13-6-6.10 of this Ordinance.

D. Number and type of employee and hours of operation of the facility including operation of a pretreatment facility.

E. Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

F. The current site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

G. Time and duration of the discharge to the POTW.

H. Average daily flows including fifteen (15) minute peak flows, and any daily, monthly or seasonal flow variations.

I. Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal Pretreatment Standards and a statement regarding whether or not pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet pretreatment standards.

J. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the applicant for revision.

13-6-4.7 <u>Application Signatories and Certification.</u> All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

13-6-4.8 <u>Wastewater Discharge Permit Decisions.</u> The Director will evaluate the information supplied by the industrial user in the application for a wastewater discharge permit and may require additional information. After evaluation and acceptance of the information supplied, the Director shall determine whether or not to issue a wastewater discharge permit subject to the terms of this Ordinance.

SECTION 13-6-5.0 WASTEWATER DISCHARGE PERMIT

13-6-5.1 <u>Wastewater Discharge Permit Duration.</u> Wastewater discharge permits shall be issued for a period less than, but not longer than, five (5) years. Each permit will indicate the specific time and date of expiration. An expired permit will continue to be effective and enforceable until the permit is reissued if:

A. The permittee has submitted a complete permit application at least 90 days prior to the expiration date of the users existing permit; and

B. The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

13-6-5.2 <u>Wastewater Discharge Permit Contents.</u> Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

A. Wastewater discharge permits must contain the following information:

1. A statement of duration not to exceed five (5) years.

2. A statement of nontransferability without prior notification to and approval from the Director and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

3. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.

4. Specifications for monitoring programs which include sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

5. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and, any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

B. Wastewater discharge permits may contain, but need not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges

5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

6. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

13-6-5.3 <u>Wastewater Discharge Permit Appeals.</u> Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the City fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative action for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition with the Iowa District Court for Muscatine County within thirty (30) days of the decision.

13-6-5.4 <u>Wastewater Discharge Permit Modification.</u> The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

D. Information indicating that the permitted discharge poses a threat to the City's POTW, city personnel, or the receiving waters.

E. Violation of any terms or conditions of the wastewater discharge permit.

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

H. To correct typographical or other errors in the wastewater discharge permit.

I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

13-6-5.5 <u>Wastewater Discharge Permit Transfer.</u> Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner and/or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

B. Identifies the specific date on which the transfer is to occur.

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

13-6-5.6 <u>Wastewater Discharge Permit Revocation.</u> Wastewater discharge permits may be revoked for the following reasons:

A. Failure to notify the City of significant changes to the wastewater prior to the changed discharge.

B. Failure to provide prior notification to the City of changed conditions pursuant to Section 13-6-6.5.

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

D. Falsifying self-monitoring reports.

E. Tampering with monitoring equipment.

F. Refusing to allow the City timely access to the facility premises and records.

G. Failure to meet effluent limitations.

H. Failure to pay fines.

I. Failure to pay sewer charges.

J. Failure to meet compliance schedules.

K. Failure to complete a wastewater survey or the wastewater discharge permit application.

L. Failure to provide advance notice of the transfer of a permitted facility.

M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the Ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

13-6-5.7 <u>Wastewater Discharge Permit Reissuance.</u> A permitted industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 13-6-4.6 a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

SECTION 13-6-6.0 REPORTING REQUIREMENTS

13-6-6.1 <u>Baseline Monitoring Reports</u>

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph B, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

B. The industrial user shall submit the information required by this Section including:

1. <u>Identifying Information.</u> The name and address of the facility including the name of the owners, operator, and contact in direct responsible charge.

2. <u>Wastewater discharge permits.</u> A list of any environmental control permits held by or for the facility.

3. <u>Description of Operations.</u> A brief description of the nature, average rate of production, and standard industrial classifications (SIC number) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. <u>Flow Measurement.</u> Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

5. <u>Measurement of Pollutants.</u>

   a. Identify the categorical pretreatment standards applicable to each regulated process.

b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13-6-6.10.
c. Sampling must be performed in accordance with procedures set out in Section 13-6-6.11.

6. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the industrial user will define the shortest schedule which will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 13-6-6.2 of this Ordinance.

8. All baseline monitoring reports must be signed and certified in accordance with Section 13-6-4.7.

13-6-6.2 Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by 13-6-6.1(B)(7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

13-6-6.3 Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 13-6-6.1(B). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13-6-4.7.

13-6-6.4 Periodic Compliance Reports

A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13-6-4.7.

B. All wastewater samples must be representative of the industrial user's discharge. Wastewater sampling, monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 13-6-6.11 of this Ordinance the results of this monitoring shall be included in the report.

13-6-6.5 Report of Changed Conditions. Each industrial user is required to notify the Director in writing of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

A. The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13-6-4.6.

B. The Director may issue a wastewater discharge permit under Section 13-6-4.8 or modify an existing wastewater discharge permit under Section 13-6-5.4.

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

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

13-6-6.6 Reports of Potential Problem Discharges

A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 13-6-2.3 of this Ordinance), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

B. Within five (5) days following the beginning of such discharge, the industrial user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to stop the discharge and to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Ordinance.

C. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Ordinance.

D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

13-6-6.7 <u>Reports from Nonsignificant Industrial Users.</u> All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Director may require.

13-6-6.8 <u>Notice of Violation/Repeat Sampling and Reporting.</u> If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

13-6-6.9 <u>Notification of the Discharge of Hazardous Waste</u>

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 13-6-6.5, above. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of Sections 13-6-6.1, 13-6-6.3, and 13-6-6.4, above.

B. Dischargers are exempt from the requirements of paragraph (A) of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous

wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one- time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

13-6-6.10 Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

13-6-6.11 Monitoring and Sample Collection Facilities

A. The Director may require any industrial user of the POTW to provide and operate at the user's expense, sampling or monitoring facilities to allow inspection sampling and flow measurement of a building sewer or any internal drainage system. The monitoring facility will normally be situated on the user's property, but the Director may, when such a location is impractical or would cause undue hardship, allow the facility to be located in a public street, right-of-way, or sidewalk, provided there is no safety hazards or interference with the normal use of the public area.

B. Except as indicated in Section C, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

C. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

D. The Director may use a grab sample(s) to determine noncompliance with pretreatment standards.

13-6-6.12 Timing of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid into a mail facility serviced by the U.S. Postal Service, and for reports which are electronically submitted, the date of receipt of the report shall govern.

13-6-6.13 Record Keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this Ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Ordinance, or where the industrial user has been specifically notified of a longer retention period by the Director.

SECTION 13-6-7.0 COMPLIANCE MONITORING

13-6-7.1 Inspection and Sampling. The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Director and/or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

B. The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The City may require the industrial user to install sampling and monitoring equipment. Such equipment and facilities shall be maintained at all times in safe and proper operating condition. All devices used to measure wastewater flow and quality shall be calibrated periodically, but at a minimum six (6) month interval. Calibration records shall be maintained with each instrument. The City may require additional calibration or repairs or replacement to assure accurate and continuous sampling and monitoring. All cost for installation, operation, calibration, and repair/replacement shall be at the industrial user's expense.

D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

E. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this Ordinance.

13-6-7.2 Search Warrants. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this Ordinance or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Magistrate of Muscatine County shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

SECTION 13-6-8.0 CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction - unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 13-6-9.0 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

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

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];

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

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

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

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

G. Failure to accurately report noncompliance;

H. Interference with the operation of the lift stations and collection system;

I. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 13-6-10.0 ADMINISTRATIVE ENFORCEMENT REMEDIES

13-6-10.1 Notification of Violation. Whenever the Director finds that any user has violated or is violating this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Director or his agent may serve upon said user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13-6-10.2 Consent Orders. The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 13-6-10.4 and 13-6-10.5 below and shall be judicially enforceable.

13-6-10.3 Show Cause Hearing. The Director may order any user which causes or contributes to violation(s) of this Ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

13-6-10.4 Compliance Orders. When the Director finds that a user has violated or continues to violate the Ordinance, wastewater discharge permits or orders issued hereunder or any other pretreatment standard or requirement, he or she may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

13-6-10.5 Cease and Desist Orders. When the Director finds that a user is violating this Ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements.

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

13-6-10.6 <u>Administrative Fines.</u>

A. Notwithstanding any other section of this Ordinance, any user that is found to have violated any provision of this Ordinance, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed one thousand dollars ($1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Assessments may be added to the user's next scheduled sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.

C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of one and one-half percent (1 1/2%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

D. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within twenty (20) days of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within twenty (20) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

E. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

13-6-10.7 <u>Emergency Suspensions.</u> The Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 13-6-10.8 are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director, prior to the date of any show cause or termination hearing under Sections 13-6-10.3 and 13-6-10.8.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

13-6-10.8 Termination of Discharge. In addition to those provisions in Section 13-6-5.6 of this Ordinance, any user that violates the following conditions of this Ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

A. Violation of wastewater discharge permit conditions.

B. Failure to accurately report the wastewater constituents and characteristics of its discharge.

C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

E. Violation of the pretreatment standards in Section 13-6-2.0 of this Ordinance. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13-6-10.3 of this Ordinance why the proposed action should not be taken.

SECTION 13-6-11.0 JUDICIAL ENFORCEMENT REMEDIES

13-6-11.1 Injunctive Relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Director may petition the Iowa District Court for Muscatine County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

13-6-11.2 Civil Penalties

A. Any user which has violated or continues to violate this Ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be subject to a civil penalty as established by City Council and set out in the Schedule of Penalties in Appendix A to this Code of Ordinances. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

13-6-11.3 <u>Criminal Prosecution</u>

A. Any user that willfully or negligently violates any provision of this Ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in Section 1-2-14 of the Code of Ordinances.

B. Any user that willfully or negligently introduces any substance into the POTW which causes, or is capable of causing, personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty as provided in Section 1-2-14 of this Code of Ordinances. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished as provided in Section 1-2-14 of this Code of Ordinances.

D. In the event of a second conviction, a user shall be punished as provided in Section 1-2-14 of this Code of Ordinances.

13-6-11.4 <u>Remedies Nonexclusive.</u> The provisions in Sections 13-6-9.0 through 13-6-12.0 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

SECTION 13-6-12.0 SUPPLEMENTAL ENFORCEMENT ACTION

13-6-12.1 <u>Performance Bonds.</u> The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

13-6-12.2 <u>Liability Insurance.</u> The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13-6-12.3 Water Supply Severance. Whenever a user has violated or continues to violate the provisions of this Ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13-6-12.4 Public Nuisance. Any violation of this Ordinance, wastewater discharge permits or storm water discharge regulations, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code Title 9, Chapter 3 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

SECTION 13-6-13.0 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13-6-13.1 Upset

A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.

C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   1. An upset occurred and the industrial user can identify the cause(s) of the upset;

   2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

   3. The industrial user has submitted the following information to the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset. Information may initially be provided orally. However, if this information is provided orally, a written submission must be provided within five (5) days:

      a. A description of the indirect discharge and cause of noncompliance
      b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue
      c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or

failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13-6-13.2 General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 13-6-2.3 of this Ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Muscatine was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13-6-13.3 Bypass

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

B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

C. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs (C) and (D) of this Section. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass, The POTW may waive the written report on a case-by-case basis if the oral report has been received with twenty-four (24) hours.

D. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless;

   1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

   2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The industrial user submitted notices as required under paragraph (C) of this Section.

E. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D) of this Section.

SECTION 13-6-14.0 SURCHARGE COSTS (RESERVED)

SECTION 13-6-15.0 MISCELLANEOUS PROVISIONS

13-6-15.1 Pretreatment Charges and Fees. The City may implement and periodically review reasonable charges and fees for the recovery of the costs of setting up and operating the City's Pretreatment Program. These fees and charges shall be adopted by resolution of City Council and is set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. These fees and charges may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications.

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.

C. Fees for reviewing and responding to accidental discharge procedures and construction.

D. Fees for the filing and review of appeals.

E. Fees for the dumping of hauled wastewater.

F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City.

13-6-15.2 Severability. If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

13-6-15.3 Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance, are hereby repealed to the extent of the inconsistency or conflict.

SECTION 13-6-16.0 FATS, OILS, AND GREASE CONTROL

13-6-16.1 Scope and purpose: The scope and purpose of this Section shall be to establish uniform permitting, maintenance, and monitoring requirements to aid in the prevention of sanitary sewer blockages and obstructions that result from the discharge and accumulation of fats, oils, and grease into the City of Muscatine Publicly Owned Treatment Works (POTW) from industrial or commercial establishments, particularly food preparation and serving establishments.

A. The objectives of this Ordinance are to:

1. Prevent the introduction of excessive amounts of grease into Muscatine's POTW.

2. Prevent clogging or blocking of the City's sewer lines due to grease build-up causing sewer line backup and flooding of streets, residences and commercial buildings, resulting in potential liability to the City.

3. Implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of grease blockages,

4. Implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences or commercial buildings.

5. Issue Grease Discharge Permits (GDPs) to food service establishments to require maintenance, monitoring, compliance, and enforcement activities.

6. Establish administrative review procedures and reporting requirements.

7. Establish fees for the recovery of costs resulting from the program established herein.

8. Establish enforcement procedures for violations of any part or requirement of this Section.

B. Applicability: The provisions of this Section shall apply to all existing food service establishments that are located within the municipal boundaries of the City of Muscatine and to all food service establishments that begin operations within the municipal boundaries of the City of Muscatine on or after the effective date of this Ordinance.

13-6-16.2 <u>Definitions:</u> The following terms, when used in this Section, shall have the meanings ascribed to them below:

A. <u>Best Management Practices (BMPs):</u> Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this Ordinance, Best Management Practices include procedures and practices that reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and to the POTW.

B. <u>Fats, Oils, and Grease:</u> means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

C. <u>Food Service Establishment:</u> A commercial facility engaged in preparing and/or serving food for consumption by the public, such as a convenience store, restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution.

D. <u>Grease Discharge Permit (GDP):</u> A permit issued by the City of Muscatine authorizing the discharge of grease laden wastewater to the POTW from a food service establishment.

E. <u>Grease Interceptor:</u> A tank that serves one or more fixtures and is remotely located. Such grease interceptors include, but are not limited to tanks that capture wastewater from dishwashers, floor drains, pot and pan sinks and trenches. For purposes of this Ordinance, a grease interceptor is an outside, underground, multi-compartment tank that reduces the amount of FOG in wastewater prior to discharging into the POTW.

F. Grease Trap: A device designed to retain grease from one to a maximum of four fixtures. A grease trap is not appropriate for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this Ordinance, a grease trap is a small, indoor device.

G. Minimum design capability means the design features of a grease interceptor or grease trap and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.

H. Non-cooking establishments mean those food service establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include coffee shops, cold dairy and frozen foodstuffs preparation, and serving establishments.

I. POTW means the Publicly Owned Treatment Works in Muscatine, Iowa and includes the collection and drainage system, the pumping stations, and the wastewater treatment plant.

J. Restaurant fixture means sinks, dishwashers, garbage grinders, floor drains, trenches, or other equipment discharging wastewater to a grease interceptor or grease trap.

K. User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute wastewater from mobile sources, such as those who discharge hauled wastewater.

13-6-16.3 Grease Traps and Interceptors:

A. Requirements: All food service establishments are required to have a grease interceptor or grease trap. The requirements in this Section are in addition to any applicable requirements of the City of Muscatine Plumbing Code as adopted by the City.

1. New Establishments: On or after the effective date of this Section, food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service establishment, where such establishment did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap according to the requirements contained in this Section. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.

2. Existing Establishments: All food service establishments existing within the City prior to the effective date of this Section shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.

   On or after the effective date of this Section, the City may require an existing food service establishment to install, operate, and maintain a new grease interceptor or grease trap that complies with the requirements of this Section or to modify or repair any noncompliant plumbing or existing interceptor or trap within ninety (90) days of written notification by the City when any one or more of the following conditions exist:

a. The establishment is found to be contributing oils and grease in quantities greater than one hundred milligrams per liter (100mg/L).
b. The establishment does not have and is not maintaining a grease interceptor or grease trap.
c. The establishment has an undersized, irreparable, or defective grease interceptor or grease trap.
d. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Muscatine.
e. The existing establishment does not have plumbing connections to a grease interceptor or grease trap in compliance with the requirements of this Section
f. The establishment fails to submit a completed GDP Application within sixty (60) days after the date of the receipt of an application form from the City of Muscatine.
g. The establishment has not operated as a food service facility for twelve (12) consecutive months prior to receiving the GDP application form.

B. Grease interceptors and grease traps shall be installed by users as follows:

1. Grease interceptors or grease traps shall be installed at the user's expense, when such user operates a food service establishment. Grease interceptors or grease traps may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed necessary by the Director or his/her designee for the proper handling of liquid wastes containing grease.

2. Grease interceptors shall conform to the standards outlined in the Plumbing Code adopted by reference in Title 8 of this Code of Ordinances.

3. Grease interceptors shall provide access manholes with a minimum diameter of twenty-four (24) inches over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.

4. Grease interceptors and grease traps shall be equipped with an accessible sampling port on the effluent side of the interceptor or trap.

C. Users who are required to pass wastewater through a grease interceptor or grease trap shall:

1. Operate the grease interceptor or grease trap in a manner so as to maintain such device such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from such grease interceptor or trap shall meet the numerical limit of one hundred milligrams per liter (100mg/L).

2. Remove any accumulated grease cap and sludge pocket as required when FOG and solids reach twenty-five percent (25%) of the unit's capacity, at the user's expense. Grease interceptors and grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor or grease trap.

3. Not reintroduce skimmed or pumped wastes or other materials removed from the grease interceptor or grease trap that are treated in any fashion on-site back into the grease interceptor or grease trap as an activity of or after such on-site treatment.

4. Understand and agree that use of hot water as a grease abatement method is prohibited and the use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this method of grease abatement shall maintain the interceptor or trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the outlet, is consistently achieved.

5. Understand and agree that the use of an automatic grease removal system is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

6. Maintain a written record of grease interceptor or grease trap maintenance, including dates and means of disposal, for three (3) years. All such records will be available for inspection by the City at all times.

13-6-16.4 <u>Food Service Establishment Permitting Program</u>

A. <u>Permitting requirements for food service establishments:</u> Each food service establishment shall be evaluated to determine whether it falls within the definition of a Significant Industrial User (SIU). Establishments classified, as SIUs shall be subject to permitting as provided in Section 13-6-4.0 et. seq. All other food service establishments shall be required to apply for and obtain a Grease Discharge Permit from the City. The City shall approve, deny, or approve with special conditions all applications for GDPs in accordance with the policies and regulations established in this Section. The GDP shall be in addition to any other permits, registrations, or occupational licenses that may be required by Federal, State or local law. It shall be unlawful for any food service establishment identified by the City to discharge wastewater containing fats, oils and grease to the City's POTW without a current GDP.

B. <u>Application form</u>: The City shall provide an application form for a GDP. The appropriate form shall be provided to all food service establishments identified by the City. All food service establishments required under the terms of this program to obtain a GDP shall submit a completed application form for a GDP to the City at the address shown on the form within thirty (30) calendar days of receipt of the form. Each application form shall include the following information:

1. Name, address, telephone number and location, (if different from the address) of applicant, owner of the premises (if different from the tenant when property is leased) from which fats, oils, and grease are discharged, and the name of a representative duly authorized to act on behalf of the food service establishment.

2. A description of the activities, facilities, and processes on the premises, including a list of all equipment, raw materials and chemicals used or stored at the facility. Safety Data Sheets (SDSs) of all such chemicals shall be included.

3. A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors, and appurtenances in the user's premises, if known.

4. The number of employees, the number and times of shifts, and the hours and days of facility operation.

5. Copies of recent water bills.

6. Details of all grease interceptor maintenance conducted within the past year.

7. A signed statement certifying that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this Section, as well as any other applicable Federal, State or local regulations governing the food service establishment.

8. Any other information determined by the Director to be necessary in order to evaluate the GPD application.

C. Application procedure: Once a completed application form has been returned to the City, the food service establishment will be inspected prior to the issuance of the GDP. During the pre-permit inspection, the information contained in the application form will be verified and the grease interceptor or grease trap will be inspected. If all information is verified and the grease interceptor or trap is in proper working condition, a GDP will be issued together with a copy of the City's information document entitled *"Fats, Oil and Grease Best Management Practices Manual".*

If the grease interceptor or grease trap requires any maintenance or repairs, or incorrect information has been given, the inspector shall provide a *Notice to Correct* any deficiencies. The Notice shall include a required time schedule for repairs to be effected prior to a second pre-permit inspection. Second pre-permit inspections shall be performed after a minimum of thirty (30) calendar days have elapsed to allow for corrective action by the food service establishment. If the facility is not in compliance at the second pre-permit inspection, charges and fees will be levied.

An application for a permit shall be granted with conditions or denied within sixty (60) days after the date of the last pre-permit inspection in which the applicant's facility is in compliance.

D. Grease Discharge Permit: The following criteria apply to all GDPs:

1. Each GDP shall be effective for a one-year period and shall have an effective and an expiration date.

2. The GDP must be posted for public view and a copy of the GDP must be kept in the establishment's records file.

3. The GDP shall be issued to a specific user for a specific operation. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP.

4. An application for renewal of the GDP shall be submitted at least sixty (60) days prior to the expiration date of the existing GDP by each applicant wishing to continue to discharge wastewater to the POTW. Failure to submit applications in a timely manner shall be a violation of this Section.

5. An expired permit will continue to be effective and enforceable until the permit is reissued if a) the permittee has submitted a complete permit application at least thirty (30) days prior to the expiration date of the user’s existing permit; and b) the failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

6. The terms and conditions of the GDP are subject to modification by the City during the term of the permit, if limitations or requirements in this program are modified. The permit holder shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the GDP shall include a reasonable schedule for achieving compliance

E. Entry: Each food service establishment shall allow the Director or his/her designee or other duly authorized employees or agents of the City bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this Section. The refusal of any food service establishment to allow entry to or upon the establishment's premises for purposes of inspection, sampling effluents or inspecting and copying records or performing such other duties as shall be required by this Section shall constitute a violation of this Section. The Director may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant to this Section.

F. Inspection: All food service facilities shall be inspected as follows:

1. Pre permit inspections: Pre-permit inspections shall be conducted by City officials as outlined in Section 13-6-16.4(C).

2. Inspections: The inspector shall inspect food service establishments on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued to verify compliance with the requirements of this Section. The Inspector shall also determine if the practices contained in the "Fats, Oil and Grease Best Management Practices Manual" issued to the establishment have been implemented. All food service establishments with a current GDP shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor or grease trap. The inspector shall also inspect the interceptor or trap maintenance logbook and file, other pertinent data, the grease interceptor or grease trap, and may check the level of the interceptor or trap contents and/or take samples as necessary. The Inspector shall record all observations on a Compliance Inspection Checklist. Any deficiencies shall be noted, including but not limited to:

   a. Failure to properly maintain the grease interceptor or grease trap in accordance with the provisions of the GDP and this Section.
   b. Failure to report changes in operations or wastewater constituents and characteristics.
   c. Failure to report pumping activities or keep copies of manifest forms or receipts.
   d. Failure to maintain logs, files, records, or access for inspection or monitoring activities.
   e. Failure to obtain or renew the GDP in a timely manner.
   f. Any other inconsistency with the program that requires correction by the food service facility concerned.
   g. If any deficiencies are recorded by the Inspector during an inspection, the inspector shall provide the food service establishment a written Notice to Correct within twenty-one (21) calendar days and a tentative date for a re-inspection.

3. Re-inspections: The Inspector shall re-inspect food service establishments that receive a *Notice to Correct*. The Inspector shall inspect any repairs or other deficiencies and shall note compliance on the Compliance Inspection Checklist. In the event that the food service establishment has returned to compliance with all of the deficiencies, there shall be no charge for the re-inspection. In the event of continuing

non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the food service establishment. A first re-inspection shall be performed after a minimum of twenty-one (21) calendar days have elapsed to allow for corrective action by the food service establishment to be completed.

G. Monitoring: The City shall have the right to sample and analyze the wastewater from any food service establishment at any time to determine compliance with the requirements of the Sewer Use Regulations. If violations of the oil and grease limit are detected, enforcement action may be initiated and monitoring costs may be billed to the food service establishment.

13-6-16.5 Grace Period

A. Except as provided herein, for a period of ninety (90) days after the effective date of this Section, although installation of grease interceptors or grease traps will be required, no enforcement actions will be taken under this Section for failure to achieve limits on grease discharges from grease interceptors or grease traps.

B. If, during this grace period, an obstruction of a City sewer main(s) occurs that causes a sewer overflow to the extent that a hazard to human health or the environment is realized and that such overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the City's sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City's Industrial Pretreatment Program Enforcement Response Plan and Sewer Use Regulations, against the generator or contributor of such grease.

13-6-16.6 Fees

A. The charges and fees provided for in this Section are separate and distinct from all other fees chargeable by the City. The City shall adopt and periodically review reasonable charges and fees for the recovery of the costs of operating the City's Fats, Oils, and Grease Control Program. These fees and charges shall be adopted by resolution of City Council and are set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances. These charges and fees may include:

1. Fees for a Grease Discharge Permit application including the cost of processing such applications.

2. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a food service establishment's wastewater discharge and reviewing monitoring reports.

3. Fees and charges for reviewing construction and responding to accidental discharge.

4. Fees for filing and review of appeals.

5. Other charges and fees as the City may deem necessary to carry out the requirements contained herein.

13-6-17.0 SEPARATE STORM SEWERS AND WATERCOURSES

13-6-17.1 <u>Control of Pollutant Discharges to Separate Storm Sewers and Watercourses</u>. Discharges to the City's separate storm sewers enter waters of the State directly or after conveyance through the City's system and are or may be subject to NPDES permit regulations. All users shall comply with the provisions of this Section to ensure that discharges from the City's separate storm sewers do not violate conditions of any of City NPDES permits, now or later adopted, or of any NPDES permit regulations, including stormwater discharge regulations, or cause any violations of State or Federal water quality standards.

13-6-17.2 <u>Prohibited Discharges to Separate Storm Sewers and Watercourses.</u>

A. No person shall discharge any wastewater treatment plant effluent, cooling water, stormwater or unpolluted water into any separate storm sewer or watercourse unless such discharge is authorized by an NPDES permit or is exempt from NPDES permit regulations and is not otherwise prohibited by this Ordinance.

B. No person shall discharge or cause to be discharged into any separate storm sewer any stormwater associated with industrial activity as defined in 40 CFR 122.26(b) unless the discharge is in compliance with all applicable provisions of the NPDES stormwater regulations in 40 CFR 122.26 and any applicable State regulations and is in compliance with the terms and conditions of any system-wide stormwater discharge permit issued to the City pursuant to those regulations.

C. No person shall place or deposit into any outfall, drainage facility, storm sewer or watercourse within the City any pollutant of concern. A pollutant of concern may include, but is not limited *to* paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. The following discharges are exempt from discharge prohibitions established by this Ordinance:

    1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

    2. Discharges specified in writing by the control authority as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the control authority prior to the time of the test.

4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Iowa Department of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

10.6.17.3 <u>Flow Obstruction Prohibited.</u>

A. No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained approval from the Director.

B. No person shall place or deposit into any outfall, drainage facility, storm sewer or watercourse within the City any garbage, trash, yard waste, soil, rock or similar material, or any other substance which obstructs flow in the system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public. In the event that such an obstruction occurs, the Director may cause such obstruction to be removed or cause such damage to be repaired and to recover applicable costs pursuant to the provisions of Section 13-6-12.4 of this Ordinance.

13-6-17.4 <u>Prohibition of Illicit Connections.</u>

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.