

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 479

AN ORDINANCE REGULATING DISCHARGES INTO THE CITY'S  
PUBLICLY OWNED TREATMENT WORKS (POTW) TO COMPLY WITH FEDERAL AND  
STATE REGULATIONS AND ENSURE CONNECTION TO THE ST. CLOUD  
WASTEWATER TREATMENT SYSTEM.

THE CITY COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS AS FOLLOWS:

**SECTION 1. REPEAL OF EXISTING CITY CODE PROVISIONS**

The existing Section 305 of the Foley City Code is repealed in its entirety.

**SECTION 2. CITY CODE REVISIONS**

The following language is adopted and shall be incorporated into a new Section 305 below.

Section 305 – Wastewater Treatment System Use Code

Section 305:00. Purpose and Policy. This ordinance sets forth uniform requirements for discharges into the City's Publicly Owned Treatment Works (POTW), and enables the City of Foley to comply with state and federal regulation and ensures connection to the St. Cloud Wastewater Treatment System (SCWWTS).

The objectives of this ordinance are:

- a) To prevent the introduction of pollutants to the POTW that will interfere with the treatment process or the beneficial reuse or disposal of biosolids;
- b) To prevent the introduction of pollutants into the POTW and SCWWTS, which will ultimately pass through the system inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
- c) To comply with federal, state and local rules and regulations to maintain eligibility for federal and state grants and loans for improvements or upgrades; and
- d) To improve the ability to recycle and reclaim wastewater and biosolids from the system.

This ordinance provides for the regulation of discharges to the POTW through; the issuance of permits to specific users and through enforcement of the general requirements for all users,

authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the method of setting fees necessary to carry out the program established herein.

The ordinance shall apply to the City of Foley and to persons outside the City who are, by contract or agreement with the City, users of the POTW. Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this ordinance.

Section 305:05. Definitions. Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings designated.

Subd. 1. “Act” means the Federal Water Pollution Control Act, as amended, commonly referred as the Clean Water Act, United States Code, Title 33, Sections 1251, et. seq.

Subd. 2. “Biosolids” means the nutrient rich organic, treated and tested residuals from the wastewater treatment process that meet federal and state standards for beneficial reuse as a fertilizers and as a soil conditioner.

Subd. 3. “Best Management Practices (BMP’s)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMP’s also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Subd. 4. “Building Drain” means clean water connections to the sanitary sewer system, such as drain tile connections to the sanitary sewer, sump pumps discharging directly into the sanitary sewer; or any modifications to the property that intentionally directs clean water to the floor drain or sanitary sewer.

Subd. 5. “Building Sewer” means the extension from the building drain to the public sewer or other place of disposal. The building sewer is owned and maintained by the property owner.

Subd. 6. “Carbonaceous Biochemical Oxygen Demand (cBOD<sub>5</sub>)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/L).

Subd. 7. “CFR” – The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

Subd. 8. “Chemical Oxygen Demand” means the quantity of oxygen utilized in the

chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.

Subd. 9. “City” means the City of Foley or the City Council of Foley.

Subd. 10. “Cooling Water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

Subd. 11. “Contract User” means all users who have a written contract with the City to use the POTW.

Subd. 12. “Director” means the City of Foley’s Public Utilities Director or authorized agent.

Subd. 13. “Domestic User” means those establishments of which its related occupations, if any, are usually considered as domestic and whose discharge consists solely of sanitary wastes.

Subd. 14. “Domestic Waste” means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities. Domestic concentrations of  $cBOD_5$  shall be 218 milligrams per liter, and domestic concentration of TSS shall be 240 milligrams per liter.

Subd. 15. “EPA” means the United States Environmental Protection Agency.

Subd. 16. “Flow” means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 17. “General Municipal Flow” means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities. General Municipal Flow based on the design of the POTW is further defined as flows containing 5-day  $cBOD_5$  concentrations no greater than 218 milligrams per liter (mg/L) and total suspended solids concentrations no greater than 240 milligrams per liter (mg/L).

Subd. 18. “General Municipal User” means any user discharging wastewater other than industrial users, municipalities and other contract users. This category of user includes as sub-categories: Domestic Users, Commercial Users, Institutional Users, and Governmental Users, which are not Contract Users.

Subd. 19. “General Pretreatment Regulations” means the general pretreatment regulations for existing and new sources of pollution promulgated by the EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 20. “Indirect Discharge” means the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 21. “Industrial Discharge Permit or Permit” means a permit issued by the City of Foley to an Industrial User authorizing them to use the POTW as established herein.

Subd. 22. “Industrial Waste” means solid, liquid, or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource.

Subd. 23. “Industrial User” means any person who discharges industrial waste into the POTW.

Subd. 24. “Institutional User” means those establishments engaged in activities of a non- economic nature, frequently being the performance of services for the general public (health, educational, social) and not classified as a governmental or commercial user in this ordinance.

Subd. 25. “Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes, operations or solids processes, use or disposal and, therefore, is a cause of a violation of any requirement of the SCWWTS’s NPDES Permit or of the prevention of biosolids use or disposal with statutory provisions and regulations or permits.

Subd. 26. “Leachate” means wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.

Subd. 27. “Load” means quantities of wastewater characteristics such as  $c$ BOD<sub>5</sub>, TSS, or other constituents as expressed in milligrams per liter (mg/L) or pounds per twenty-four (24) hours (lbs/24 hrs.).

Subd. 28. “Local Limits” means discharge limitations established by the City to protect the wastewater treatment process, infrastructure and the beneficial reuse of biosolids.

Subd. 29. “MPCA” means the Minnesota Pollution Control Agency

Subd. 30. “Mercury Reduction Plan (MRP)” is a strategy to ensure the maximum allowable mercury loading to the SCWWTS is not exceeded.

Subd. 31. “National Pollutant Discharge Elimination System (NPDES) Permit” means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd 32. “Non-dispersible wipes” are any cleaning or personal use product that does not breakdown quickly in the sanitary sewer system and can cause interference or accumulate in the system.

Subd. 33. “Non-Domestic Nutrient Contributor (NDNC)” means any non-domestic (as defined by Subd. 11 Domestic Waste) wastewater source which is determined to contribute nutrients (as defined by Subd. 39 Nutrients).

Subd. 34. “Nutrients” means elements and substances which are required to support living plants and organisms, including carbon, hydrogen, nitrogen, oxygen and phosphorus.

Subd. 35. “Ordinance” means the set of rules contained herein governing the discharge of wastewater to the POTW.

Subd. 36. “Permit holder” means an Industrial User authorized to discharge industrial waste into the POTW pursuant to an Industrial Discharge Permit.

Subd. 37. “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of a solution. It is a measure of the acidity or basicity of a waste.

Subd. 38. “Phosphorus Management Plan” means the strategy used by the City including pretreatment and operational procedures to reduce the amount of phosphorus discharged to the environment.

Subd. 39. “Phosphorus Reduction Strategy (PRS)” means the process of reporting, evaluating and reducing the amount of phosphorus discharged to the POTW.

Subd. 40. “Pretreatment” means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 41. “Pretreatment Standards” means standards for industrial groups (categories) promulgated by the EPA pursuant to the Act which regulates the quality of effluent discharge to the POTW and must be met by all users subject to such standards.

Subd. 42. “Residual Solids” means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment facility.

Subd. 43. “Sanitary Sewer” means a sewer which carries wastewater, and to which

storm, surface and groundwater are not intentionally admitted.

Subd. 44. “Sewer” means a pipe or conduit for carrying wastewater, industrial waste or other waste liquids.

Subd. 45. “Sewer System” means pipelines or conduits, pumping stations, force mains, and all other devices and appurtenances, used for collecting or conducting wastewater.

Subd. 46. “Significant Industrial User (SIU)” means all Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater), contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW, or is designated as such by the City as the control authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6). If, upon finding that an Industrial User meeting the criteria of this subdivision has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City as the control authority, as defined in 40 CFR 403.12 (a), may, at any time, on its own initiative or in response to a petition received from an Industrial User or POTW and in accordance with 40 CFR 403.8 (f)(6) determine that such Industrial User is not a Significant Industrial User. The City may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the conditions are met stated in 40 CFR 403.3 (v)(2) (i,ii,iii).

Subd. 47. “Slug” means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the POTW.

Subd. 48. “Stormwater” means any flow occurring during, following or resulting from any form of natural precipitation.

Subd. 49. “Storm Sewer” (sometimes termed “storm drain”) means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

Subd 50. “Strength Charge” means a surcharge for any discharge above the domestic concentrations of TSS and cBOD<sub>5</sub>.

Subd. 51. “Sump Pump” means a pump which removes storm or groundwater from a sump well.

Subd. 52. “Total Suspended Solids (TSS)” means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Subd. 53. “Total Toxic Organics” means the summation of all values greater than 0.01 mg/L of toxic organics listed in Section 307 (A) of the Act.

Subd. 54. “Unpolluted Water” means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 55. “User” means any person who discharges, causes, or permits the discharge of wastewater into the POTW.

Subd. 56. “User Charge System” means the system established by this ordinance to recover from the users of the POTW the cost of operation, maintenance and replacement of the POTW.

Subd. 57. “Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW.

Section 305:10. Individual Sewage Treatment System. Where a public sanitary sewer is not available under the provision of Section 305:30, the building sewer shall be connected to an individual sewage treatment system complying with the provisions of this Section 365:00, Sewage Treatment Systems, and Minnesota Pollution Control Agency Rules, Chapter 7080. The provisions of this subsection shall be in addition to any requirements established by applicable federal, state or local laws and regulations and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Section 305:15. Building Sewers and Connections.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof.

Subd. 2. All costs incurred in the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute.

Subd. 4. Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the City, to meet all requirements of this ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the plumbing inspector and discharged to the building sewer.

Subd. 7. As required by Section 310 of the Foley Code of Ordinances, no persons shall make connection of roof downspouts, sump pump, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer.

Subd. 8. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the ASTM. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector prior to installation.

Subd. 9. Agents of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the Public



Works Director when the work is ready for final inspection and no underground portions shall be covered prior to the final inspection. The connection shall be made under the supervision of the Director.

Subd. 10. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, CBOD, nutrients, and suspended solids, as determined by the Director.

Section 305:20. Main and Lateral Sewers.

Subd. 1. No person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or others, and subject to inspection during construction by engineers and employees of the City. No such sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

Subd. 4. Joints and pipes shall be watertight and sound. The sewer lateral shall be free of any structural defects including fractures, cracks, breaks, openings or missing portions.

Subd. 5. The sewer lateral shall be free of roots, grease deposits and other solids which may impede or obstruct flow.

Subd. 6. Sanitary sewer cleanouts shall be securely sealed with a proper cap or approved overflow device.

Section 305:25. Protection from Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

Section 305:30. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Subd. 2. As set forth in Section 305:10, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. This prohibition shall not prevent existing legal non-conforming or non-compliant systems from being repaired, maintained or replaced where public sewer is not available to the property.

Subd. 3. The owner of any building or property which is located within the City, or in any area under the jurisdiction of the City, and from which wastewater is discharged, shall be required to connect to a public sewer at the owner's expense within one year after service of official notice to do so, provided that said public sewer is available for connection.

Subd. 4. In the event an owner fails to connect to a public sewer in compliance with a notice given under Section 305:30, Subd. 3 of this ordinance, the City may undertake to have the connection made and shall assess the cost against the benefited property, the assessment shall be a lien against the property. Such assessment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the County Auditor in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, unpolluted cooling or process water to any sanitary sewer unless there is no prudent and feasible alternative and unless as approved by the Director.

Subd. 6. Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the Director, and the user may be required to obtain a NPDES Permit by the MPCA.

Subd. 7. The sanitary sewer system shall not be the disposal method for unused pharmaceuticals.

Section 305:32. Charges for General Municipal Users - Domestic, Commercial, Institutional and Governmental Users.

Subd. 1. The charge for general municipal, commercial, institutional, industrial and government users will be the product of the unit charge and the quantity of the water used as measured by the city water meter. The formula for this calculation follows:

Unit Cost Per Volume of Water x Users Metered Water Flow

= Residential, Commercial, Institutional, Industrial Governmental Users Charge

Subd. 2. If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water will be deducted in computing the wastewater use charge provided a separate meter is installed to measure such volume. The user desiring to install such separate meter will make application and payment for the meter to the Director and engage, at their own expense, a plumber to install the necessary piping changes and to install the meter. Actual calculation of usage charges is determined by Section 609 – Sewer Service Charge.

#### Section 305:35. Phosphorus Management

Subd. 1. Any non-domestic, i.e. commercial or industrial, source may be included as part of the Phosphorus Management Plan (PMP) and required to evaluate their phosphorus discharge to the POTW.

Subd. 2. Any significant non-domestic nutrient contributor (NDNC) of phosphorus, as determined by the Director, will be required to develop a Phosphorus Reduction Strategy (PRS). The NDNC will evaluate and/or update the PRS to include methods and/or steps taken to eliminate or reduce phosphorus loading to the POTW.

#### Section 305:36. Mercury Management.

Subd. 1. Mercury concentrations in non-domestic wastewater discharged to the POTW shall not exceed 0.2 micrograms per liter (ug/L), as set forth in the Local Limitations: Section 305.50 Subd.6. Mercury sampling procedures, preservation, handling and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.7 or another method approved or required by the Director. The level of detection developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 micrograms per liter for mercury, unless higher levels are appropriate due to matrix interference.

Subd. 2. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the City may require a non-domestic users to develop, submit for approval and implement a Mercury Reduction Plan (MRP). Details of the requirements of the MRP are included in the City of St. Cloud Mercury Minimization Plan. The MMP is required by the MPCA and is updated once every five (5) years in accordance with the NPDES permit. A copy of this plan is available upon request.

Subd. 3. Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this Section, and will result in publication as a significant violator;

Subd. 4. A non-domestic user may request a variance from MRP requirements if all samples of the discharge for a period of one year are below the specified level of detection, the non-domestic user has complied with the minimum monitoring frequency of quarterly sampling events, and the Director deems that the MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. Notice of approval or disapproval of the variance from MRP requirements will be made in writing from the Director. If a MRP variance is issued, the non-domestic user remains subject to the local limitation for mercury.

Section 305:40. Industrial Discharge Permit.

Subd. 1. Permit Requirement: Industrial Users discharging wastewater to the POTW shall apply for an Industrial Discharge Permit in accordance with these rules unless the Director determines the wastewater has an insignificant impact to the POTW. No Industrial User requiring a permit shall discharge to the POTW until the Industrial User has been issued a permit. Issuance of an Industrial Discharge Permit shall not relieve the Industrial User from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other local, state, or federal requirements regarding waste disposal.

The criteria utilized by the Director to determine if an Industrial Discharge Permit will be required include:

- (a) An average flow loading greater than 25,000 gallons per operating day; or
- (b) A pollutant concentration of greater than 50% for one or more regulated pollutants (see 305:50, Subd. 6) at the point of discharge; or
- (c) Has prohibitive discharge properties (see 305:40.); or
- (d) Has been pretreated or passed through an equalization tank before discharge; or
- (e) A hydraulic or organic loading greater than 5% of the average dry weather capacity of the POTW; or
- (f) An industrial process regulated by EPA categorical standards; or
- (g) Others as designated by the City as defined in 40 CFR 403.12 (a).

Subd. 2. Permit Application.

- (a) An existing Significant Industrial User or other person who is required to obtain an Industrial Discharge Permit shall complete and file a permit application with the City within (ninety) 90 days of notification. The appropriate permit fee shall accompany the permit application form. A user shall have one year from the date of notification by the City to obtain an Industrial Discharge Permit.
- (b) New Significant Industrial Users proposing to connect or to commence a new discharge to the POTW shall apply for an Industrial Discharge Permit prior to connection to or discharging into the POTW. No discharge into the POTW can commence until an Industrial Discharge Permit is received unless the Director has ruled that:
  - (i) an Industrial Discharge Permit is not required or
  - (ii) a discharge waiver is granted to commence discharge pending final action by the Director.

Subd. 3. Incomplete or Deficient Application: An Industrial Discharge Permit shall not be issued until an application is complete.

Subd. 4. Issuance of Industrial Discharge Permit: Within sixty (60) days of receiving a completed application form the Director shall, upon a determination that the applicant is capable of compliance with the Industrial Discharge Permit conditions and these rules, issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

Types of Industrial Discharge Permits:

- (a) A Standard Permit, with requirements for a specific facility, will be issued to an Industrial User with a direct discharge connection to the POTW. A Standard Permit will be issued to each Significant Industrial User, and other Industrial Users determined by the Director;
- (b) Special Discharge Permit will be issued to an Industrial User who discharges leachate, groundwater or other waste to the collection system or the POTW for which other permit forms are not applicable.

Subd. 5. Permit Conditions: Industrial Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the City Council. Permits shall contain the following:

- (a) A summary of the penalties and charges applicable for violations of the terms of permit as provided in Section 305:85 of this ordinance;
- (b) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;

Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;

Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

Requirements for installation and maintenance on inspection and sampling facilities;

Requirements for access to the permit holder's premises and records;

Requirements for installation, operation, and maintenance of pretreatment facilities; (see Section 305:65 on Pretreatment);

Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self reporting schedule;

Compliance schedules;

Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Director;

Requirements for notification to the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

Requirements for notification of slug discharges as provided in Section 305:55 of this ordinance;

The requirement for Industrial Discharge Permit transfer as stated herein; and

Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

Subd. 6. Permit Modification, Suspension, and Revocation: An Industrial Discharge Permit may be modified, suspended or revoked, in whole or in part, by the Director or City during its term for cause, including:

Violation of these rules;

Violation of any terms or conditions of the Industrial Discharge Permit;

Obtaining an Industrial Discharge Permit by misrepresentation or failure to fully disclose all relevant facts;

Amendment of these rules;

A change in the wastewater treatment process which results in the permit holder's discharge having a significantly different and negative impact on the process;

A change in the permit holder's industrial waste volume or characteristics which the permit holder knows or has reason to know will or is likely to have, either by itself or by interaction with other wastes, a negative impact on the treatment process;

A change in the POTW's NPDES or SDS permit requirements, any other changes made by local, state and/or federal rules; and/or

A determination by the Director that the permit holder's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the POTW.

Subd. 7. Time Schedule for Compliance: Any modifications in the Industrial Discharge Permit shall specify a reasonable time schedule for compliance.

Subd. 8. Refund of Permit Fee on Surrender or Revocation: A permit holder may surrender an Industrial Discharge Permit to the City prior to the permit's scheduled termination. In the event that a permit is surrendered or revoked, the permit holder shall be refunded a pro rata portion of the permit fee paid.

Subd. 9. Permit Duration: Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the permit's expiration date by filing with the City a permit reissuance application. If an industrial user fails to submit a permit re-issuance application, the City may administratively extend the Industrial User Permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in Section 305:45 are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Subd. 10. Permit Transfer: Industrial Discharge Permits are issued to a specific user at a specific location, for a specific operation, except in the case of Liquid Waste Haulers. An Industrial Discharge Permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an Industrial Discharge Permit, the prior owner, shall notify the City and the succeeding owner of said change in ownership and of the provisions of the Industrial Discharge Permit and these rules. The new owner shall submit a new permit application or shall submit to the City an executed statement agreeing to be bound by the terms and conditions of the existing Industrial Discharge Permit for the facility, in which case, upon consent of the City, the permit shall continue in effect until its expiration date.

Section 305:45. Prohibitive Discharge. No person shall discharge or cause to be discharged, directly or indirectly, into the POTW any of the following:

Subd. 1. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment facility operation. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.

Subd. 2. Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer, interference with the operation of the wastewater treatment or pass through to the receiving waters. These include garbage with particles greater than one-half inch (1/2") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding, polishing wastes, non-dispersible wipes, pharmaceuticals.

Subd. 3. Any wastewater having a pH less than 5.0 or greater than 12.0 or having any corrosive property that will or is likely to cause damage or hazard to structures, equipment, or employee of the City.

Subd. 4. Any alkaline wastewater which alone or with others will or is likely to cause an elevated pH in the POTW so as to result in an inhibiting effect on the biological process or encrustation to the sewer.

Subd. 5. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either by itself or by interaction with other pollutants, that will or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.)

Subd. 6. Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent the entry of Utility employees into a sewer for monitoring, maintenance, and repair.

Subd. 7. Any wastewater which will or is likely to cause excessive discoloration in treatment facility effluent.

Subd. 8. Wastes, other than Domestic Wastes, that are infectious prior to discharging.

Subd. 9. Any solids residual from an industrial pretreatment facility except as provided in Section 305:65.



Subd. 10. Heat in amounts which will or is likely to inhibit biological activity in the treatment facility resulting in interference or causing damage to the treatment facility, but in no case heat in such quantities that the Industrial User's waste temperature is greater than 65 C (150 F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40 C (104 F).

Subd. 11. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/L that will or is likely to solidify or become viscous at temperatures between 0 and 65 Centigrade and which will or is likely to cause interference at the POTW including petroleum oil, non- biodegradable cutting oil, or products of mineral oil origin.

Subd. 12. Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause interference to the POTW.

Subd. 13. Any substance including nutrients which will cause the POTW to violate the NPDES and/or State Disposal System Permit or the receiving water quality standards or goals.

Subd. 14. Any substance which may cause the POTW's effluent or any other product of the wastewater treatment process such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the system to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the biosolids management method being used.

Subd. 15. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause interference or pass through at the POTW.

Subd. 16. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the POTW or utility employees.

Subd. 17. Any hazardous waste, unless prior approval has been issued from the Director.

Subd. 18. Any waste generated outside the area served by the POTW without prior approval of the Director.

Subd. 19. Any unpolluted water, including cooling water, rain water, stormwater or groundwater, unless there is no other prudent or feasible alternative.

Subd. 20. Any trucked or hauled wastes or pollutants, except those approved by the

Director at discharge points designated by the City.

Subd. 21. Phosphorus or other nutrients that exceed acceptable limits as set by the POTW.

Section 305:50. Limitations on Wastewater Strength.

Subd. 1. Federal Pretreatment Standards: Federal Pretreatment Standards and General Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the Director has applied for, and obtained from the MPCA, approval to modify the specific limits in the Federal Pretreatment Standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

Subd. 2. State Requirements: State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

Subd. 3. City's Right of Revision: The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 305:00.

Subd. 4. Dilution: No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or State requirements or Federal pretreatment standards.

Subd. 5. Removal Credits and Variances:

- (a) If the POTW achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to MPCA for modification of specific limits of the EPA Pretreatment Standards. The City shall modify pollutant discharge limits applicable to an Industrial User in the Pretreatment Standards if the requirements contained in 40 CFR 403.7 of the General Pretreatment Regulations relating to credits for the removal of pollutants are fulfilled and approval from MPCA is obtained. However, nothing herein shall be construed to require the City to apply to MPCA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in Section 305:50, Subd. 6 in the event that such a removal credit is granted, except as provided in Section 305:50.

- (b) The City shall recognize and enforce the conditions allowed for by variances from Pretreatment Standards for fundamentally different factors as granted by EPA to individual Industrial Users in accordance with 40 CFR 403.13 of the General Pretreatment Regulations.
- (c) The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with 40 CFR 403.12 of the General Pretreatment Regulations. A compliance schedule as part of the Industrial Discharge Permit shall be developed between the Director and the Industrial User to ensure that the Industrial User complies with local, State, and Federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 6. Supplementary Limitations: No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any of the following waste pollutants containing concentrations in excess of the following maximum limitations for any operating day:

<u>Pollutant</u>	<u>Maximum Allowable Concentration (mg/L)</u>
Arsenic	0.16
Cadmium	0.20
Chromium, Total	3.94
Copper	2.76
Cyanide, Total	3.11
Lead	1.36
Mercury	0.0002
Molybdenum	0.11
Nickel	0.75
Selenium	0.27
Silver	0.56
Zinc	5.00

Ammonia Nitrogen	Best Management Practices
cBOD <sub>5</sub>	Best Management Practices
Phosphorus	Best Management Practices or 6.00
Total Suspended Solids	Best Management Practices

Subd. 7. Special Agreements: No statement contained in this subsection, except as promulgated by the EPA, shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Subd. 8. Pretreatment Standards Notification: The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the City and the Industrial User to ensure that the Industrial User complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 9. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the City by affected users.

Section 305:51. Strength Charge System

Subd. 1. Any permit holder as designated by the Director, discharging into the POTW industrial waste at carbonaceous biochemical oxygen demand and/or total suspended solids concentrations in excess of base levels shall be subject to a strength charge. Further, any person discharging waste into the POTW may be subject to a strength charge under the same provisions. Base levels, strength charge rates and the procedures for determining strength charges shall be set forth by the Director. These rates and methods may be adjusted annually. Additional parameters, other than carbonaceous biochemical oxygen demand and total suspended solids may be subject to a strength charge. For current base level concentrations see definition of “Industrial Waste” in 305:05.

Subd. 2. Industrial user charges may also include specific credits for industrial pretreatment which would encourage reduction in overall POTW plant loading.

Section 305:55. Accidental and Slug Discharges.

Subd. 1. Prevention of Accidental and Slug Discharges: All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any

prohibited waste, any waste in excess of the local limitations or any waste in violation of an applicable pretreatment standard.

Subd. 2. Accidental Discharge: Accidental discharges of prohibited waste into the POTW, directly or through another disposal system, or to any place from which such waste may enter the POTW, shall be reported to the Director by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any State or Federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the Director within seven (7) days of obtaining knowledge of the discharge. The letter shall include the following information:

- (a) the time and location of the spill;
- (b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) time period and volume of wastewater discharged;
- (d) actions taken to correct or control the spill;
- (e) a schedule of corrective measures to prevent further spill occurrences.

Subd. 3. Slug Discharge: In the event that an Industrial User discharges a slug in such volume or strength that the Industrial User knows or has reason to know it will cause interference in the SCWWTS, the Industrial User shall immediately report the same to the Director. Within seven (7) days thereafter, the Industrial User shall send a letter to the Director describing the slug as specified under Accidental Discharge.

Subd. 4. Spill Containment Program Requirement: Any Industrial User with a significant potential to discharge materials listed in the prohibited discharge section of this ordinance is required to install and maintain an adequate spill containment system. General spill containment requirements are listed below:

- (a) Process, storage, holding or treatment tanks containing materials listed in the prohibitive discharge section of this ordinance as well as the associated piping, pumps and other appurtenances must be contained if a spill or leak could enter the sewer. This includes tanks used for short-duration mixing, processing or storage.

- (b) The City prohibits floor drains with direct connections to the public sewer in facilities that store toxic or flammable materials.
- (c) The spill containment system must be capable of containing 100 percent of the volume of the largest tank of restricted material.
- (d) Acceptable Containment Systems Include:
  - (i.) Diking may be used to spill contain single shell tanks. Diking usually consists of concrete blocks, concrete berming or other materials that form a permanent structural barrier. Portable spill containment trays/pallets are also acceptable.
  - (ii.) Self-Containment. Tanks of double shell construction are considered to be self-contained and do not require additional spill containment features unless there is a significant likelihood of overflowing. These tanks consist of two independent structural shells with the outer shell capable of containing any leakage from the inner one. An air gap of at least one-inch must be provided between the inner and outer shell.
  - (iii.) Pits constructed under or around tanks are acceptable as spill containment. No openings, manual or electric gates or valves are allowed.

Subd. 5. Slug Discharge Control Plan: Any SIU that may batch discharge any wastewater (including from spill containment areas), treated or otherwise, and that discharge may potentially cause adverse impacts to the collection system or treatment plant must complete and implement a Slug Discharge Control Plan. Slug Discharge Control Plan must contain the following elements:

Description of discharge practices, including non routine batch discharges;

Description of stored chemicals;

Procedure for promptly notifying the City of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and Section 305:40 of this ordinance, with procedures for follow-up written notification within five (5) days;

Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, and employee training. Include drawings that show spill containment dimensions and the locations of all floor drains, wastewater piping and pretreatment equipment;

The Slug Discharge Control Plan must be maintained at the discharge location and be available on request to staff from the City, MPCA or EPA.

## Section 305:60 Monitoring Requirements.

Subd. 1. Monitoring Facilities: When required by the City's permit, the permit holder of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, flow measurement, and measurement of wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be safely maintained by the owner and accessible at all times.

Subd. 2. Monitoring Point: Each permit holder shall have an approved monitoring point provided at the permit holder's expense. Liquid Waste Haulers and special industrial users may be exempted by permit from portions of this section. All permit holders shall have an approved monitoring point. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code, Minnesota Rules, chapter 4715. Each permit holder is responsible for all maintenance on the approved monitoring point, including routine cleaning. The Director may allow multiple monitoring points provided that each point meets criteria 1-5 of this section. An approved monitoring point shall meet the following criteria:

- (a) the wastewater flow is visible and accessible for inspection and monitoring purposes;
- (b) the wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- (c) the wastewater flow at the monitoring point conveys all of the permit holder's industrial waste;
- (d) the monitoring point is large enough or space is provided nearby to allow for monitoring equipment and replacement; and
- (e) the total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

Subd. 3. Inspection Maintenance Hatch: The Director may require the installation of an inspection maintenance hatch (manhole), in the event of construction, replacement or modification of a permit holder's sewer connection(s). Permit holders shall provide notice to the Director prior to any such replacement or modification. The inspection maintenance hatch shall be of standard size and shape and be located on the private sewer line between the facility and the public sewer. If feasible, the inspection maintenance hole shall convey the total facility wastewater discharge.

Subd. 4. Flow Measurement: A permit holder, when required by permit, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow

volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the permit holder's expense in good operating condition at all times. The permit holder shall notify the Director in writing within five (5) days in the event that the permit holder becomes aware that the meter or flow recorder has failed to accurately register the flow. The permit holder shall also notify the Director of the permit holder's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the POTW.

The following requirements apply to the selection and installation of wastewater flow measuring devices:

- (a) Flow measuring devices including, but not limited to, weirs, flumes, area- velocity sensors and closed-pipe flow meters, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size and location of a flow measuring device include:
  - 1. flow rate and velocity;
  - 2. pipe configuration and slope;
  - 3. turbulence;
  - 4. presence of nearby tributary flows; and
  - 5. solids concentration.
- (b) All flow measuring devices shall be properly installed and, where applicable, properly level and sealed.
- (c) When a weir or a flume is utilized, the flow level-sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.

Subd. 5. Self-monitoring Analyses: All measurements, tests, and analyses of the characteristics of water and wastes as outlined in the permit shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations.

Subd. 6. Representative Sampling: Representative samples of a permit holder's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in the Industrial Discharge Permit. Industrial Users subject to Pretreatment Standards shall sample in accordance with the Pretreatment Standards. Self-monitoring point(s) for Industrial Users who are not subject to Pretreatment Standards shall be at a location and at a frequency as specified in the Permit. The samples shall accurately characterize the discharge, taking into account batch



discharges, daily production variations, downtime, cleanup and other operating conditions.

Subd. 7. Monitoring Techniques: The following monitoring methods will be used by Industrial Users and contracted monitoring services and/or commercial analytical laboratories that collect and/or analyze wastewater samples to fulfill requirements of these rules or any permit issued under these rules:

- (a) A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, total phenols and sulfides, unless otherwise approved by the Director. Samples for cyanide and volatile organics may be collected by the grab sampling technique described above or by an automatic sampler, using acceptable techniques. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples can be taken manually or automatically. Appropriate containers shall be used when collected grab samples.
- (b) Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least 100 milliliters. Discrete samples can be composited using any of the following methods.
  1. equal time intervals and equal volume samples;
  2. equal time intervals and unequal volume samples; or
  3. unequal time intervals and equal volume samples.
- (c) When an equal time interval is used, the maximum sampling interval shall be 30 minutes. The composite sample volume shall be well mixed before sub sampling.

Subd. 8. Sample Handling Procedures: All samples shall be contained, preserved and held in accordance with 40 CFR Part 136. The sample temperature shall be maintained at four (4) degrees Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

Subd. 9. Industrial Discharge Monitoring Reports (IDMR's): A condition of the Industrial Discharge Permit shall include the completion and submittal of accurate routine self-monitoring reports to the Director in a form subscribed to by the Director. The nature and frequency of routine reporting shall be based upon the requirements specified in the Industrial Discharge Permit.

The Director may modify the above reporting and/or sampling schedule for a particular permit holder based on the permit holder's industrial waste characteristics. Permit holders subject to Pretreatment Standards shall submit reports to the City in accordance with the applicable Pretreatment Standards.

Permit holders shall submit complete IDMR's on or before the 21<sup>st</sup> calendar day of the month following the end of each applicable reporting period, unless otherwise stated in the Industrial Discharge Permit. Any permit holder not submitting a self-monitoring report by this date shall pay a late reporting fee.

Subd. 10. Inspection and Sampling: The City may modify the sampling requirements, parameters sampled and/or analyzed, and frequency of sampling to ensure compliance with federal, state and permit requirements. This may involve additional sampling requirements other than stated in the Significant Industrial Users permit.

The City may conduct tests as are necessary to enforce this ordinance. Agents of the City may enter any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City for the purpose of determining user compliance, the cost of such tests shall be added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's wastewater requires more frequent testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

Duly authorized agents of the City, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Those agents shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the POTW.

Duly authorized agents of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved. While performing the necessary work on private properties the authorized agents of the City shall observe all safety rules applicable to the premises established by the company.

The Director and/or their designee shall conduct inspections at least once a year as required by the federal General Pretreatment Regulations and to determine compliance status with the Pretreatment Program. The City will conduct the annual inspection at no cost to the SIU; any additional inspections due to noncompliance may be billed to the affected property owner at 2.5 times the base hourly salary of the Inspector.

Subd. 11. Testing Procedures: Testing procedures for analysis of pollutants for permit applications and routine self-monitoring shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40,

Section 403.12 (g) of the Federal Pretreatment Regulations.

Subd. 12. Report and Monitoring Discrepancies: A permit holder shall be notified in writing by the Director of a significant discrepancy between the permit holder's routine, self-monitoring records and the City's monitoring results within thirty (30) days of receiving monitoring results. The permit holder shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the City at the owner's expense. Samples may be split between the permit holder's laboratory or agent and the City's laboratory for analysis.

Subd. 13. Wastewater Discharge Records: Wastewater discharge records of a permit holder shall be kept by the permit holder for not less than three (3) years. The permit holder shall provide the Director reasonable access to these records during normal business hours. A permit holder, subject to an applicable Pretreatment Standard, shall maintain all records required by Code of Federal Regulations, Title 40, Section 403.12 (n) of the General Pretreatment Regulations.

Section 305:65. Pretreatment Compliance with Standards

Subd. 1. Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained in satisfactory and effective condition by the owner, at the owner's expense, and available for inspection by City agents at all reasonable times.

Subd. 2. Industrial Users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial Users as required by their Industrial Discharge Permit shall submit to the Director for review, detailed plans showing the pretreatment facilities at least sixty (60) days prior to initiation of construction. The Director shall approve the Industrial User's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

Subd. 3. The Director's review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported for approval by the Director upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

Subd. 4. Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the POTW without prior written approval from the Director. The disposal method shall be in accordance with local, State and Federal requirements. The Director shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

Subd. 5. Separator and Trap Installations: Grease, oil, and sand separators and traps shall be provided at the owner's expense for the proper collection of waste containing excessive amounts of grease, oil or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. All records of separators and traps must be available for review by City agents. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of solids. To prevent overloading, flow control baffles and any necessary inlet flow, control fitting shall be provided.

Section 305:70. Confidential Information.

Subd. 1. User information obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets.

Subd. 2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES Permit, State Disposal System Permit, and/or the Pretreatment Programs, provided that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 305:75. Severability and Conflicts.

Subd. 1. Severability: If the provisions of any section, paragraph, or sentence of these rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Subd. 2. Conflicts: If conflicts arise between these rules or regulations previously adopted by the City, these rules, and the interpretations thereof, shall take precedence. No conflict shall impair the City's ability to connect to the SCWWTS.

Section 305:80. Enforcement.

Subd. 1. Remedies Available: The Director may suspend the sewer system service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, or the POTW, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a

suspension of the sewer system service and/or the Industrial Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to 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 or endangerment to any individuals. The Director shall reinstate the Industrial Discharge Permit and/or the sewer system service upon proof of the elimination of the noncomplying discharge.

Subd. 2. Revocation of Permit: The Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this ordinance, or applicable State and Federal regulations.

Subd. 3. Notification of Violation: Whenever the Director finds that any person has violated or is violating this ordinance, Industrial Discharge Permit, Phosphorus Management Plan or any prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 4. Show Cause Hearing:

- (a) Notice of Hearing. If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) Hearing Officials: The City Council may itself conduct the hearing and take the evidence, or may designate any of its member, employees, or agents to:
  - (i.) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (ii.) Take the evidence; and,

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

(c) Issuance of Orders: After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 5. Legal Action: If any person discharges wastewater, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Subd. 6. Enforcement Response Plan (ERP): The ERP describes violations and indicates a range of appropriate enforcement options. An enforcement action can be issued in no particular order for each violation to ensure compliance with city, state and federal regulations and the Pretreatment Program.

#### Section 305:85. Penalties.

Subd. 1. Administrative Fines: Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial Users desiring to dispute such fines must file a request with the City.

Subd. 2. Criminal Penalties: Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be furnished by a fine of not more than \$800, or by imprisonment for not to exceed 90 days, or both.

Subd. 3. Costs: In addition to the penalties provided herein, the City may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Subd. 4. Costs of Damage: Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage. The Director may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the

assessed costs shall constitute a violation of this ordinance.

Subd. 5. Falsifying Information: Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall upon conviction, be punished by a fine of not more than \$1000 or by imprisonment for not more than 90 days, or both.

Section 305:90. Publication of Significant Violations. Public notification will occur at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous twelve (12) months, were in significant violation of applicable Pretreatment Standards or Pretreatment Requirements. For the purpose of this provision, an Industrial User is in significant violation if its violations meet one or more of the following:

Subd. 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.

Subd. 2. Technical review criteria (TRC) violations, defined here as those in which thirty- three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of a numeric Pretreatment Standard or requirement, including instantaneous limits times the applicable TRC (TRC = 1.4 for CBOD, SS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);

Subd. 3. Any other violation of a pretreatment (daily maximum or longer term average, instantaneous limit or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City employees or the general public);

Subd. 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the necessity for the City's to exercise its emergency authority under 40 CFR 403.8 (F)(1)(vii)(b) to halt or prevent such a discharge;

Subd. 5. Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

Subd. 6. Failure to provide required reports such as baseline monitoring reports, self-monitoring reports, and reports on compliance with compliance schedules, within forty-five (45) days of the due date;

Subd. 7. Failure to accurately report noncompliance; or

Subd. 8. Any other violation or group of violations, which may include a violation of Best Management Practices which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

**SECTION 3. EFFECTIVE DATE.**

This ordinance shall become effective upon publication.

**SECTION 4. SUMMARY PUBLICATION**

At least four-fifths of the City Council’s members direct the Administrator to publish only the title and summary of this Ordinance as follows:

“ORDINANCE AMENDING SECTION 305 TO ALLOW FOR CONNECTION TO REGIONAL WASTEWATER SYSTEM.

The ordinance sets forth requirements for connection to the St. Cloud Wastewater Treatment System.

ADOPTED this 4<sup>th</sup> day of June, 2024.

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Jack M. Brosh, Mayor

ATTEST:

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Sarah A. Brunn, City Administrator