

**CITY OF ST. AUGUSTA  
STEARNS COUNTY, MINNESOTA  
ORDINANCE #2008-03**

AN ORDINANCE ESTABLISHING REGULATIONS OF SEWER USE

In the interest of the health, safety, and welfare of its citizens, the City Council of St. Augusta, Minnesota hereby ordains:

**SEWER USE CODE**

Section 360:00. **PURPOSE AND POLICY.** This ordinance sets forth uniform requirements for discharges into the City's Sanitary Sewer System (SSS) and enables the City of St. Augusta to comply with all applicable State of Minnesota and United States laws, and Minnesota Pollution Control Agency and U.S. Environmental Protection Agency regulations.

The objectives of this ordinance are:

- a) To prevent the introduction of pollutants into the Sanitary Sewer System (SSS) which will interfere with the operation of the facilities or the use the beneficial reuse or disposal of the biosolids;
- b) To prevent the introduction of pollutants into the SSS which will pass through the system inadequately treated into receiving waters of the State or the atmosphere or otherwise be incompatible with the system; and
- c) To improve the opportunity to recycle and reclaim wastewater and biosolids from the system.

The ordinance provides for the regulation of discharges into the City's sanitary sewer system through the issuance of permits to certain 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 setting of fees necessary to carry out the program established herein.

The ordinance shall apply to the City of St. Augusta and to persons outside the City who are, by contract or agreement with the City, users of the City sanitary sewer system. Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance.

Section 360:05. **DEFINITIONS** Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings hereinafter designated.

Subd. 1. "Act" means the Federal Water Pollution Control Act, Public Law #92-500 and the Clean Water Act, Public Law #95-217 as amended.

Subd. 2. "ASTM" means the American Society for Testing Materials.

Subd. 3. "Biosolids" means the nutrient rich organic, treated and tested byproducts resulting from wastewater treatment that meet federal and state standards for beneficial reuse as fertilizers and soil amendments.

Subd. 4. "Carbonaceous Biochemical Oxygen Demand (CBOD)" 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. 5. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 6. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

Subd. 7. "City" means the City of St. Augusta or the City Council of St. Augusta or the Public Utility.

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. "Combined Sewer" means a sewer originally designed and currently designated to receive both surface water runoff and wastewater.

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. "Director" means the City of St. Augusta's Public Works Director or authorized agent.

Subd. 12. "Domestic Waste" means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.

Subd. 13. "EPA" means the U.S. Environmental Protection Agency.

Subd. 14. "Flow" means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 15. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of said meat, fish, fowl, fruit, vegetables, and condemned food.

Subd. 16. "General Pretreatment Regulations" means the general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 17. "Indirect Discharge" means the introduction of pollutants or wastes into the Sanitary Sewer System from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 18. "Individual Sewage Treatment System Permits" means permit required of a person to construct a private wastewater disposal system.

Subd. 19. "Industrial Discharge Permit or Permit" means a permit issued by the City of St. Augusta to an Industrial User to use the City's disposal system as established herein.

Subd. 20. "Industrial Waste" means solid, liquid, or gaseous wastes, including cooling water (except where exempted by an NPDES Permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource.

Subd. 21. "Industrial User" or "Industry" means:

- a. An entity that discharges into the City's SSS liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. Industries are identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget. As amended and supplemented under one of the following divisions:

Division A: Agriculture, Forestry and Fishing

Division B: Mining

Division D: Manufacturing

Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewers

Division I: Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

CBOD	less than 250 mg/l
TSS	less than 250 mg/l.

- b. Any nongovernmental user of the City's SSS which discharges wastewater to the system containing toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, or to injure or interfere with any SSS operation or wastewater treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse affect on the waters receiving any discharge from the SSS.

Subd. 22: "Industrial Wastewater" means the liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewaters.

Subd. 23. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the City's SSS, and/or the Wastewater Treatment Facility (WTF) its treatment processes or operations or its sludge processes, use or disposal and, therefore, is a cause of a violation of any requirement of the WTF's NPDES Permit or of the prevention of sewage sludge use or disposal with statutory provisions and regulations or permits.

Subd. 24. "Local Limits" means discharge limitations established by the SSS to protect wastewater treatment, infrastructure and beneficial reuse of biosolids.

Subd. 25. "MPCA" means the Minnesota Pollution Control Agency.

Subd. 26. "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. 27. "Non-Domestic Nutrient Contributor (NDNC)" means any non-domestic (as defined by subd. 12 (Domestic Waste) wastewater source which is determined to contribute nutrients (as defined by subd. 28 Nutrients).

Subd. 28. "Nutrients" means substances which are required to support living plants and organisms, including carbon, hydrogen, nitrogen, oxygen, and phosphorus.

Subd. 29. "Ordinance" means the set of rules contained herein governing the discharge of wastewater to the City's Sanitary Sewer System (SSS).

Subd. 30. "Other Wastes" shall mean other substances except wastewater and industrial wastes.

Subd. 31. "Permittee" means an Industrial User authorized to discharge industrial waste into

the City's (SSS pursuant to an Industrial Discharge Permit.

Subd. 32. "Person" means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

Subd. 33. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Subd. 34. "Phosphorus Management Plan" means the strategy used by the (SSS, including pretreatment and treatment methods, to reduce the amount of phosphorus discharged to the environment.

Subd. 35. "Phosphorus Reduction Strategy (PRS)" means the process of reporting, evaluating and reducing the amount of phosphorus discharged to the WTF and City's SSS.

Subd. 36. "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 City's wastewater treatment system. 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. 37. "Pretreatment Standards" means standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to such standards.

Subd. 38. "Public Utility" means the unit of municipal government and its people responsible for the operation of the Sanitary Sewer System and this ordinance.

Subd. 39. "Rules" means the waste discharge rules for the St. Augusta disposal system or the Wastewater Treatment Facility.

Subd. 40. "Sanitary Sewer" means a sewer which carries wastewater and to which storm, surface, and groundwater are not intentionally admitted.

Subd 41. "Sanitary Sewer Main" or "Public Sewer" means a sanitary sewer normally located within the public right of way, or within easement areas, which is owned, operated and routinely maintained by the City. Sanitary sewer mains are usually 8 inches in diameter or larger, and include laterals, trunks and interceptors. The sanitary sewer main is the common sewer to which individual building sewers connect.

Subd 42. "Sanitary Sewer Service" – See "Building Sewer" (Subd 6).

Subd 43. Sanitary Sewer System (SSS) means the system of sanitary sewers, manholes, pumping stations, forcemains, and appurtenances used to convey wastewater to the WTF. For purposes of this definition, the collection system ends at the point where the SSS connects to the WTF.

Subd. 44. "St. Augusta Area Wastewater Advisory Committee (SCAWAC)" is an advisory group whose objectives are to share information, improve understanding of regional wastewater issues, and to improve the level of cooperation in the resolution of regional wastewater issues.

Subd. 45. "Sewage Sludge" means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment facility.

Subd. 46. "Sewer" means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

Subd. 47. See "Sewer System" (Subd 43).

Subd. 48. "Shall" is mandatory; "May" is permissive.

Subd. 49. "SIC" means the Standard Industrial Classification Code (1972) issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activity engaged.

Subd. 50. "Significant Industrial User" 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 (SSS (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 (SSS treatment plant, or is designated as such by 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 (SSS's 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 (SSS's operation or for violating any pretreatment standard or requirement, 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 (SSS and in accordance with 40 CFR 403.8 (f)(6) determine that such Industrial User is not a significant Industrial User.

Subd. 51. "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 (SSS.

Subd. 52. "State" means the State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).

Subd. 53. "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subd. 54. "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. 55. "Sump Pump" means a pump which removed storm or ground water from a sump well.

Subd. 56. "Suspended Solids (SS)" 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. 57. "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. 58. "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. 59. "User" means any person who discharges, causes, or permits the discharge of wastewater into the City's wastewater disposal system.

Subd. 60. "Waste Transport Hauler" (sometimes termed "septic hauler") means an Industrial User who transports industrial or domestic waste for the purpose of discharge into the City SSS.

Subd. 61. "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 storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.

Subd. 62. "Wastewater Treatment Facility" (WTF) means the treatment works as defined by Section 212 of the Act, which the municipality is authorized to utilize to treat wastewater (as defined by Section 502(4) of the Act). This 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, pipes, and other conveyances only if they convey wastewater to a wastewater treatment facility. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to

and the discharges from such a treatment works.

Section 360:08. **GENERAL REGULATIONS.**

Subd. 1. **Control of Sewers; Administration of Chapter.** The Public Works Director, or other official designated by the City Council, shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

Subd. 2. **Tampering with Wastewater Facilities.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities or sanitary sewer system. Any person violating this provision shall be subject to the penalties set forth in § 360.85.

Subd. 3. **Deposits of Unsanitary Manner Prohibited.** It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the city, or in any area under the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

Subd. 4. **Discharge of Wastewater or Other Polluted Waters.** It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance/chapter and the city's NPDES/SDS permit.

Section 360:10. **PRIVATE WASTEWATER DISPOSAL**

Subd. 1. **Public Sewer Not Available.** Where a public sanitary sewer is not available under the provision of Section 360:30, the building sewer shall be connected to an individual sewage treatment system complying with the provisions of this Subdivision, and Minnesota Pollution Control Agency Rules, Chapter 7080, Individual Sewage Treatment Systems, as they may be amended from time to time. 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.

Subd 2. **Permits**

(A) Required. Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city or its authorized representative. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by providing any plans, specifications and/or other information as deemed necessary by the city or its authorized representative. A permit and inspection fee, as established by resolution of the City Council, shall be paid at the time the application is filed.



(B) Inspections. A permit for a private wastewater system shall not become effective until the installation is complete to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

Subd. 3. **Type, Capacities, Location and Layout.** The type, capacities, location and layout of a private sewage system shall comply with all requirements of the City, County and the State including, but not limited to, Minnesota Rules Ch. 7080, Individual Sewage Treatment Systems Program as may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Subd. 4. **Direct Connection Required.** A direct connection shall be made to the public sewer by any property served by a private wastewater disposal system within 365 days after a public sewer is available. Private wastewater disposal systems shall be removed or filled with suitable material as approved by the city or the city's designated representative at the time of a direct connection to the public sewer system.

Subd. 5. **Operation and Maintenance by Owner.** The owner shall operate and continuously maintain the private wastewater disposal facility in an effective and sanitary manner at all times at no expense to the city.

Subd. 6 **City May Inspect.** The employees or other designated representatives of the city may enter upon any property having a private wastewater disposal system for the purpose of inspecting such system and making such other inspections and tests as are reasonably deemed necessary. Entry shall be made during the daylight hours, with 24 hours advance notice provided, unless abnormal or emergency circumstances require otherwise.

Subd. 7. **Discharge to Public Sewer.** Any person operating a private wastewater system who wishes to discharge waste products to the City's SSS resulting from the treatment of domestic wastewater shall obtain permission for the Wastewater Superintendent prior to said discharge.

Subd. 8 **Application of Regulations.** The provisions of this subsection shall be in addition to any requirements established by applicable federal, state, county or local laws and regulations, and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

## Section 360:15. **BUILDING SEWERS AND CONNECTIONS**

### Subd. 1. **Building Sewer Permits.**

(A) Required. No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof, unless and until a Sewer Connection Permit and an Excavation Permit are obtained from the city. Fees for each of these permits shall be established by the City Council and the Excavation Permit shall be accordance with the applicable provisions of City ordinance.

(B) Applications. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(C) Classes. There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes as defined in Section 360.05. In either case the application shall be supplemented by any plans, specification or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) Inspection and Connection. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the city's authorized representative.

Subd. 2. **Costs and Expenses.** All costs and expense incident to 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. **Separate Building Sewers Required.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered 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; Restrictions on Use.** 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. **Conformance to State Building and Plumbing Code.**

(A) 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 State Building and Plumbing Code, applicable city regulations, 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.

(B) 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 Water Pollution Control Federation Manual (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 before installation.

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

Subd. 7. **Groundwater Connections or Discharge of Surface Runoff Prohibited.** 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 a public sanitary sewer.

Subd. 8. **City May Inspect.** Employees of the City, or the city's authorized representative 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 before the final inspection is completed. The connection shall be made under the supervision of the City's Public Works Director or other authorized representative

Subd. 9. **Restrictions on New Connections.** Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, CBOD, nutrients, and suspended solids.

#### Section 360:20. MAIN AND LATERAL SEWERS

Subd. 1. **Permit Required.** 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 Director.

Subd. 2. **Construction of Sanitary or Storm Sewers Restricted.** 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. Where sewers are installed and connected to the system under public contract with the City, acceptance shall be deemed made up on the approval by the City Council of final payment to the contractor. Where sewers are installed and connected to the system by private individuals, groups, corporations or other organizations, acceptance shall be deemed upon resolution of the City Council accepting said sewer improvements.

Subd. 3. **Conformance to City Specifications.** 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.

Section 360:30. **USE OF PUBLIC SEWERS.**

Subd. 1. **Discharge Regulated.** 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. **Private Wastewater Systems.** Except as set forth in Section 360:10 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.

Subd. 3. **Connection Required if Public Sewer Available.** 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 the public sewer is operational and service of official notice to do so, provided that said public sewer is available for connection within 200 feet of the structure generating the wastewater. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the Minnesota Building Code and other ordinances of the City.

All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official ten-day notice shall be served instructing the property owner to make the connection.

Subd. 4. **City May Perform; Cost Levied to Owner.** In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 360:30, Subd. 3 of this ordinance, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property and said assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the auditor of the county 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. **Groundwater Connections or Discharge of Surface Runoff Prohibited** No person shall discharge or cause to be discharged directly or indirectly any storm water, 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 City.

Subd. 6. **Separate Sanitary and Storm Sewers.** Storm water 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. **Repairing Service Connection.** Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair, or cause to be repaired, the service connection as the Public Works Director may direct. Each day after thirty (30) days that a person neglects or fails to act shall constitute a separate violation of this section, and the Public Works Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.

#### Section 360:35. **PHOSPHOROUS MANAGEMENT**

Subd. 1. **Phosphorous Management Plan.** 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 Sanitary Sewer System.

Subd. 2. **Phosphorous Reduction Strategy.** Any significant non-domestic nutrient contributor (NDNC) of phosphorus, as determined by the City, 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 Sanitary Sewer System.

#### Section 360:40. **INDUSTRIAL WASTEWATER DISCHARGE PERMIT.**

Subd. 1. **Scope.** Industrial Users, or other persons, discharging into the (SSS shall obtain an Industrial Discharge Permit pursuant to these rules if notified by the City.

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

- (1) An average flow loading greater than 25,000 gallons per operating day or
- (2) A pollutant concentration of greater than 50% for one or more regulated pollutants (see 360:50, Subd. 6) at the point of discharge or
- (3) Has properties in the discharge for it to be constituted a prohibited discharge, or
- (4) Has been pretreated or passed through an equalization tank before discharge, or
- (5) A hydraulic or organic loading greater than 5% of the average dry weather capacity of the Wastewater Treatment Facility, or

- (6) An industrial process regulated by EPA categorical standards or
- (7) Others as so designated by the (SSS as defined in 40 CFR 403.12 (a)).

**Subd. 2. Permit Application.**

- (a) Existing Significant Industrial User. 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 of St. Augusta within 3 months of notification. The appropriate permit fee as provided by Section 597 shall accompany the permit application form at the time of application. A user shall have one year from the date of notification by the City to have obtained an Industrial Discharge Permit.
- (b) New Significant Industrial Users. All new significant Industrial Users proposing to connect or to commence a new discharge to the wastewater disposal system shall apply for an Industrial Discharge Permit before connection to or discharging into the sanitary sewer system (SSS). The permit application may be obtained from the Public Works Director or the City Clerk. No discharge into the SSS can commence until an Industrial Discharge Permit is received unless the Director has ruled that:
  - (1) an Industrial Discharge Permit is not required or
  - (2) a discharge waiver is granted to commence discharge pending final action by the Director.

**Subd. 3. Incomplete or Deficient Application.** If the permit application is incomplete or otherwise deficient, the Public Works Director will advise the applicant of such incompleteness or deficiency. An Industrial Discharge Permit shall not be issued until an application is complete.

**Subd. 4. Issuance of Industrial Discharge Permit.** Within sixty (60) days after receipt of a completed application form from the industrial user, 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.

**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 surcharges applicable for violations of the terms of the permit as provided in Section 360:85 of this ordinance.
- b. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the sanitary sewer system (SSS);

- c. Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
- d. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- e. Requirements for installation and maintenance on inspection and sampling facilities;
- f. Requirements for access to the permittee's premises and records;
- g. Requirements for installation, operation, and maintenance of pretreatment facilities; (see Section 360:65 on Pretreatment);
- h. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self-reporting schedule;
- i. Compliance schedules;
- j. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording the Public Works Director access thereto;
- k. 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 wastewater treatment system;
- l. Requirements for notification to the Wastewater Superintendent of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater being introduced to the city's SSS and the WTF.
- m. Requirements for notification of slug discharges as provided in Section 360:55 of this ordinance;
- n. Requirements for the specific location, time, and volume of discharge to the sanitary sewer system (SSS) for Waste Transport Haulers;
- o. The requirement for Industrial Discharge Permit transfer as stated herein; and
- p. 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 City during its term for cause, including:

- (a) Violation of these rules;
- (b) Violation of any terms or conditions of the Industrial Discharge Permit;
- (c) Obtaining an Industrial Discharge Permit by misrepresentation or failure to fully disclose all relevant facts;
- (d) Amendment of these rules;
- (e) A change in the wastewater treatment process which results in the permittee's discharge having a significantly different and negative impact on the process;
- (f) A change in the permittee's industrial waste volume or characteristics which the permittee knows or has reason to know will or is likely to have, either singly or by interaction with other wastes, a negative impact on the treatment process; and
- (g) A change in the requirements of the SSS's NPDES or permits, or any other changes made by Local, State and/or Federal rules.
- (h) A determination by the City that the permittee'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 SSS.

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 permittee 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 permittee 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 re-issuance a minimum of 180 days prior to the permit's expiration date by filing an application for permit re-issuance with the City. 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 360:45 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 Waste Transport Haulers. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. 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, if feasible, 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.

Subd. 11. **Permit Fees.** The Industrial Discharge Permit fee, paid to the City, for total waste (million gallons per year) for both initial and re-issuance shall be fixed from time to time, by a resolution of the City Council. Separate fees shall be established from the following categories:

- (a) Less than one (1) million gallons per year, \$200.
- (b) Between one (1) and ten (10) million gallons per year, \$400.
- (c) Greater than ten (10) million gallons per year, \$600.

**Section 360:45. PROHIBITIVE DISCHARGE.**

Subd. 1. **Discharge Prohibited.** No person shall discharge or cause to be discharged, directly or indirectly, into the Sanitary Sewer System (SSS) any of the following:

- (a) 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.
- (b) Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment facility. 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 gar tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.
- (c) 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 Public Utility.

- (d) Any alkaline wastewater which alone or with others will or is likely to cause an elevated pH in the treatment facility influent so as to result in an inhibiting effect on the biological process or encrustation to the sewer.
- (e) Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either singly 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.)
- (f) 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 its monitoring, maintenance, and repair.
- (g) Any wastewater which will or is likely to cause excessive discoloration in treatment facility effluent.
- (h) Wastes, other than Domestic Wastes, that are infectious before discharging into the sewer.
- (i) Any sludge from an industrial pretreatment facility except as provided in Section 360:65.
- (j) 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).
- (k) 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 C and which will or is likely to cause SSS, including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
- (l) Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause interference in the SSS.
- (m) Any substance including nutrients which will cause the City to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards or goals.
- (n) Any substance which may cause the SSS'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 wastewater treatment system 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.

- (o) 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 with the SSS.
- (p) 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 (SSS or employees operating it.
- (q) Any hazardous waste, unless prior approval has been obtained from the Director.
- (r) Any waste generated outside the area served by the (SSS without prior approval of the Director.
- (s) Any unpolluted water, including cooling water, rainwater, storm water or groundwater, unless there is no other prudent or feasible alternative.
- (t) Any trucked or hauled wastes or pollutants, except at discharge points designated by the City.
- (u) Phosphorus or other nutrients that exceed acceptable limits as set by the City.

#### Section 360:50. **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 SSS if deemed necessary to comply with the objectives presented in Section 360:00 of this ordinance.

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 WTF 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 360:45, Subd. 6 in the event that such a removal credit is granted, except as provided in Section 360:45, Subd. 1.
- (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 City 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 Sanitary Sewer System 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	0.13
Cadmium	0.091

Chromium, Total	2.28
Copper	2.76
Cyanide, Total	3.11
Lead	0.79
Mercury	0.016
Molybdenum	0.11
Nickel	0.75
Selenium	0.19
Silver	0.56
Zinc	4.23

\*Based on a 24-hour flow proportional composite sample of a total facility discharge to the Sanitary Sewer System.

Subd. 7. **Special Agreements.** No statement contained in this subsection, except as promulgated by the EPA as stated in 360:50, Subparagraph 1, shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Subd. 8. **Pretreatment Standards Notification.** The City 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.** Affected users of the SSS shall submit all reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations to the City.

#### Section 360:55. **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 waste prohibited in Section 360:45, any waste in excess of the limitations provided in Section 360:50, Subd. 6, or any waste in violation of an applicable pretreatment standard.

Subd. 2. **Accidental Discharge.** Accidental discharges of prohibited waste into the SSS, directly or through another disposal system, or to any place from which such waste may enter the SSS, shall be reported to the Public Works 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 after 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 SSS, 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. After such a discharge, a plan is required to prevent additional slug or accidental discharges. This plan will contain the following at a minimum:

- (a) description of discharge practices, including nonroutine batch discharges;
- (b) description of stored chemicals;
- (c) procedure for promptly notifying the Public Works Director of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and Section 360:40 of this ordinance, with procedures for follow-up written notification within five (5) days;
- (d) 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 plant site runoff, and worker training;
- (e) any necessary measures for building containment structures or equipment;
- (f) any necessary measures for controlling toxic organic pollutants (including solvents);
- (g) any necessary procedures and equipment for emergency response;
- (h) any necessary follow-up practices to limit the damage suffered by the SSS, the WTF or the environment.

## Section 360:60 **MONITORING**

Subd. 1. **Monitoring Facilities.** When required by the City's permit, the permittee of any property services 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 the 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 maintained by the owner so as to be safe and accessible at all times.

The monitoring facility should normally be situated on the user's premises, but the Director may allow the facility to be constructed elsewhere may when such a location would be impractical or cause undue hardship on the user.

Subd. 2. **Flow Measurement.** A permittee, 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 permittee's expense in good operating condition at all times. The permittee shall notify the Public Works Director in writing within five (5) days in the event that the permittee becomes aware that the meter or flow recorder has failed to accurately register the flow. The permittee shall also notify the Director of the permittee's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the SSS.

Subd. 3. **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.

Representative samples of a permittee's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in Industrial User's 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.

Subd. 4. **Self-monitoring Reports.** A condition of the Industrial User's 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 by the User's Permit application form. Except in the case of Waste Transport Haulers, reports shall be required as follows:

- (a) less than one (1) million gallons total waste discharged per year, semi-annually;
- (b) between one (1) and ten(10) million gallons, quarterly;

(c) greater than ten (10) million gallons, bi-monthly;

The Public Works Director may modify the above reporting schedule for a particular permittee based on the permittee's industrial waste characteristics. Permittees subject to Pretreatment Standards shall submit reports to the City in accordance with the applicable Pretreatment Standards.

Subd. 5. **Inspections and Sampling.** The City may conduct such tests as are necessary to enforce this ordinance, and employees of the City may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such 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 whether the user is in compliance with regulations, the cost of such tests shall be charged to the user and 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 than normal 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 employees 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 employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the SSS.

While performing the necessary work on private properties referred to in Subd. 5 of this subsection, the authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

Subd. 6. **Testing Procedures.** Testing procedures for the 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. 7. **Report and Monitoring Discrepancies.** A permittee shall be notified in writing by the Director of a significant discrepancy between the permittee's routine, self-monitoring records and the City's or WTF's monitoring results within thirty (30) days after the receipt of such reports and monitoring results. The permittee 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's employees. Samples may be split between the permittee's laboratory or agent and the SSS's laboratory for analysis.

Subd. 8. **Wastewater Discharge Records.** Wastewater discharge records of a permittee shall be kept by the permittee for a period of not less than three (3) years. The permittee shall provide the Public Works Director reasonable access to these records during normal



business hours. A permittee, 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 360:65. **PRETREATMENT**

Subd. 1. **Compliance with Standards.** Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense, and shall be available for inspection by the City employees at all reasonable times.

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 City 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.

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 to be approved 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.

Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the Sanitary Sewer System (SSS) 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. 2. **Trap Installations.** Grease, oil, and sand traps shall be provided for the proper discharge of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. The owner shall be responsible for the proper maintenance of said traps, including the proper removal and disposal of the captured materials, and shall keep a record of dates and means of disposal which may be reviewed by the Public Works Director. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

Subd. 3. **Catch Basins or Waste Traps Required for Motor Vehicle Washing or Servicing Facilities.** The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil or any mineral deposit from entering the public sewer system.

Section 360:70. **CONFIDENTIAL INFORMATION.**

Information and data on a user 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 to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by 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, however, 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.

Information accepted by the Director as confidential shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten (10) day notification is given to the user.

Section 360:75. **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.

Section 360:80. **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, to the environment, or to the SSS, 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 SSS 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.

A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within five (5) working days of the date of occurrence.

Subd. 2. **Revocation of Permit.** In accordance with the procedures of Section 360:75 of this ordinance, 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, informing the user of the action being undertaken by the City (suspension, revocation, etc.), and advising the users right to a hearing if correction is not completed in a timely manner. The user shall submit a plan for the satisfactory correction thereof within ten (10) days of the date of the notice.

Subd. 4. **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 members, administrative law judge, or any officer or employee of the (assigned department) to:
1. 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;
  2. Take the evidence; and,
  3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

- (C) Transcripts. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.
- (D) 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.

#### Section 360:83 **POWERS AND DUTIES OF INSPECTORS**

Subd 1. **Authorized Employees Permitted to Enter All Properties**. The Building Inspector, Public Works Director, or other duly authorized employees or agents of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sanitary sewer system in accordance with the provisions of this chapter.

Subd 2. **Authorized Employees to Enter All Properties with Easements**. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the SSS lying within said easement. All entry and subsequent work, if any, on said easement shall be done in accordance with the terms of the easement pertaining to the private property involved.

#### Section 360:85. **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. Such assessments may be added to the user's next scheduled sewer service charge and the City Clerk shall have such other collection remedies as he has to collect other service charges. 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 for the City Clerk to reconsider the fine within 10 days of being notified of the fine. Where

the City Finance Director believes a request has merit, the Finance Director shall convene a hearing on the matter within 30 days of receiving the request from the Industrial User.

A violation of Section 360.30 subdivision 3 shall carry a penalty of a fine of \$100 per month a property fails to connect to City sewer services.

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 occasioned the City by reason of such violation. 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 \$700 or by imprisonment for not more than 90 days, or by both.

#### Section 360:90. **PUBLICATION OF SIGNIFICANT VIOLATIONS.**

Public notification will occur at least annually in the official daily newspaper published in the municipality in which the (SSS is located for all 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:

- (a) 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) the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken during a six (6) month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for CBOD, SS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);

- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of (SSS employees or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the (SSS's exercise of its emergency authority under 40 CFR 403.8 (F)(1)(vii)(b) to halt or prevent such a discharge;
- (e) 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;
- (f) Failure to provide required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, within thirty (30) days of the due date;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation or group of violations which the Director considers to be significant.

### 360.95 USER RATE SCHEDULE FOR CHARGES

Subd 1. **Charges Generally.** Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

Subd 2. **Purpose.** The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

Subd. 3. **Definitions.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Administration". Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.
- (b) "Debt Service Charge". A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.
- (c) "May". The term is permissive.

- (d) "Operation and Maintenance". Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.
- (e) "Operation and Maintenance Costs." Expenditures for operation and maintenance, including replacement.
- (f) "Replacement". Obtaining and installing of equipment, accessories or appurtenances, which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.
- (g) "Replacement Costs". Expenditures for replacement.
- (h) "Sewer Service Charge". The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.
- (i) "Sewer Service Fund" A fund into which revenue derived from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.
- (j) "Shall". The term is mandatory.
- (k) "User Charge". A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.
- (l) "Users". Those residential, commercial, governmental, institutional and industrial establishments, which are connected to the public sewer collection system.

**Subd 4. Establishment of a Sewer Service Charge System**

- (a) The city hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the sanitary sewer system and wastewater treatment works.
- (b) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the sanitary sewer system and treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

- (c) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.
- (d) Sewer service rates and charges to users of the sanitary sewer system and wastewater treatment facility shall be determined and fixed in a “Sewer Service Charge System” developed according to the provisions of this subchapter. The Sewer Service Charge System shall be the system enacted prior to the adoption of this code. The Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this Code may be amended from time to time to include subsequent changes in sewer service rates and charges.
- (e) Revenues collected for sewer service shall be deposited in a separate fund known as “The Sewer Service Fund.” Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.
- (f) Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of § 51.116.
- (g) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this Code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

**Subd. 5 Determination of Sewer Service Charges.** The sewer service rates and charges to users of the wastewater treatment facility shall be as established by ordinance. Adopted sewer service rates and charges may be amended or modified by ordinance adopted separately or in the Ordinance Establishing Fees and Charges, adopted pursuant to § 30.11, as that ordinance may be amended from time to time.

**Subd. 6. Sewer Service Fund**

- (a) The city hereby establishes a “Sewer Service Fund” as an enterprise fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:
  - (1) Operation and maintenance account.
  - (2) Equipment replacement account.
  - (3) Debt retirement account.



- (b) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city. Funds received by the sewer service fund shall be used to pay costs incurred for the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with state and federal regulations and the provisions of this chapter.
- (c) Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account".
- (d) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be used to pay costs incurred in the "Operation and Maintenance Account."

Subd. 7. **Administration.** The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

- (a) The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of those costs annually in December. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Subd. 3 above. The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.
- (b) In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.
- (c) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.
- (d) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due ten days from the

date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding. Disconnection of services for late payment shall follow the procedures established in Subd. 8 of this subchapter:

- (e) The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.
- (f) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

**Subd. 8. Disconnection for Late Payment.**

- (a) It is the policy of the city to discontinue sewer service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:
  - (1) That all bills are due and payable on or before the date set forth on the bill;
  - (2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
  - (3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
- (b) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

- (c) When it becomes necessary for the city to discontinue sewer service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this Code, as that ordinance may be amended from time to time.

Section 360:90 **REPEALER**

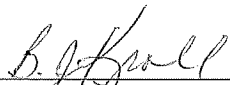
This Ordinance hereby repeals #2003-05.

Section 360:95 **EFFECTIVE DATE**

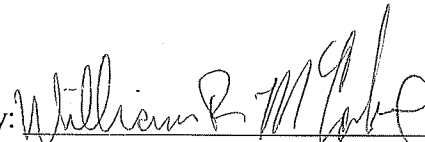
This ordinance becomes effective upon its passage and publication according to law.

ADOPTED this 19<sup>th</sup> day of August, 2008.

CITY OF ST. AUGUSTA

By:   
B. J. Kroll, Mayor

ATTEST:

By:   
William R. McCabe, City Administrator