

### DIVISION 3. FEES

#### Sec. 34.5-141. Purpose.

The purpose of this division is to provide for the recovery of costs for the implementation of the pretreatment program established herein. The applicable charges and fees shall be evaluated periodically and amended as necessary to reflect the current costs of program implementation.

#### Sec. 34.5-142. Charges and Fees.

(a) The POTW shall charge all SIU's an annual permit fee of \$2,500 per calendar year. The User shall receive a \$1,500 credit if no pretreatment violations occurred during the previous calendar year or the User shall receive a \$1,000 credit if such User was not in significant noncompliance at any time during the previous calendar year.

(b) In addition to the permit fee, the User shall be charged for all sample collection and analysis of the User's wastewater. The sample collection and analysis charge shall be determined by the commercial laboratory retained by the POTW.

(c) Additional costs shall be charged to Industrial Users on a case-by-case basis as the POTW may deem necessary to carry out the requirements contained in this chapter.

#### Sec. 34.5-143. Delinquent Charges and Fees.

(a) Charges and fees assessed in accordance with Section 34.5-142 shall be a debt due the City and shall be a lien against the property. If such debt is not paid within 20 days after it is due, it shall be deemed delinquent and may be recovered by civil action against the property owner or person. The City may also recover any expense associated with enforcement activities.

(b) In the event of failure to pay assessed charges and fees after they become delinquent, the City shall have the right to enter upon the property to remove or close sewer connections. The expense of such removal or closing may be recovered by civil action against the property owner or person. Sewer service shall not be restored until all charges and fees, including the expense of removal, closing and restoration have been paid.

#### Sec. 34.5-144. Reserved.

### DIVISION 4. REPORTING

#### Sec. 34.5-145. Baseline Monitoring Report.

(a) Existing Industrial Users subject to a National Categorical Pretreatment Standards shall submit a Baseline Report to the POTW within 180 days after the effective date of a

Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), whichever is later.

(b) New Sources, when subject to a National Categorical Pretreatment Standard, shall submit at least 90 days prior to commencement of discharge to the POTW a report which contains the information listed in paragraph (c)(1)-(4) of this section.

(c) In support of the Baseline Report, the Industrial User shall submit, in units and terms appropriate for evaluation the following information:

- (1) Name and address of the facility including the name of the operator and owners.
- (2) List of any environmental control permits held by or for the facility.
- (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such User. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes including sampling locations.
- (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following: (new sources should estimate the information requested in this paragraph)
  - (i) Regulated process streams, and
  - (ii) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e).
- (5) The Industrial User shall identify the Categorical Pretreatment Standards applicable to each regulated process, and shall;
  - (i) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
  - (ii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and

grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

- (iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph
  - (iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR section 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR section 403.6(e), this adjusted limit, along with supporting data shall be submitted to the POTW.
  - (v) The User shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (6) The Industrial User shall provide a statement, reviewed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the Industrial User to meet the Categorical Pretreatment Standards.

- (7) If additional pretreatment or O&M will be required to meet the Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Categorical Pretreatment Standard.
- (8) The following conditions shall apply to any schedule submitted in response to paragraph (c)(7) of this section.
- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (ii) No increment referred to in paragraph (c)(8)(i) of this section shall exceed nine months.
  - (iii) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.
- (9) Any other information as may be reasonably requested by the POTW.

Sec. 34.5-146. Final Compliance Report.

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Categorical Pretreatment Standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standards and

the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements, as required under 40 CFR 403.12(b)(4)-(6). Where equivalent mass or concentration limits are established by the POTW for a User, this report shall contain a reasonable measure of the User's long-term production rate. Where a User is subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

Sec. 34.5-147. Periodic Compliance Reports.

(a) Any User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the POTW during the months of January and July, unless required more frequently in the Pretreatment Standard or by the POTW, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 34.5-132(c)(4) except that the POTW may require more detailed reporting of flows.

(b) Where the POTW has imposed mass limitations on the Industrial User the report shall indicate the mass of pollutants regulated by Pretreatment Standards in the discharge from the Industrial User.

(c) For Industrial Users subject to equivalent mass or concentration limits established by the POTW, the report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the User's actual average production rate for the reporting period.

(d) Significant Noncategorical Industrial Users shall submit to the POTW during the months of January and July, unless required more frequently by the POTW, a report describing the nature, concentration, and flow of pollutants required to be reported by the POTW.

Sec. 34.5-148. Monitoring and Analysis.

(a) If sampling performed by an Industrial User indicates a violation, the User shall notify the POTW within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation.

(b) The reports required in Section 34.5-147(a) and (d) shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(c) If an Industrial User subject to the reporting requirement in Sections 34.5-145-147 monitors any pollutant more frequently than required by the POTW, in accordance with the conditions and procedures prescribed in the User's wastewater discharge permit, the results of this monitoring shall be included in the report.

(d) Signatory requirements for Industrial User reports. The reports required by Sections 34.5-145-147 shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed by an authorized representative of the Industrial User.

Sec. 34.5-149-154. Reserved."

Section 2. Article V of Chapter 34.5 of the Municipal Code relating to sewers and sewage disposal is hereby repealed and recreated to read as follows:

"ARTICLE V ENFORCEMENT

Sec. 34.5-155. Enforcing Authority.

The Control Authority shall enforce those provisions of this chapter that come into jurisdiction of his or her office and shall make periodic inspections and inspections upon complaint to ensure such provisions are not violated.

Sec. 34.5-156. Compliance Monitoring and Inspections.

(a) The POTW shall monitor the wastewater from Industrial Users and inspect the premises of Industrial Users as often as necessary to assure compliance with this chapter, a permit or order issued hereunder or any other applicable Pretreatment Standards or Requirements.

(b) All costs incurred for the sample collection and analysis of the User's wastewater shall be charged to said User.

Sec. 34.5-157. Compliance Schedules.