

ORDINANCE NO.

1 AN ORDINANCE AMENDING CITY CODE CHAPTER 15-10, RELATING  
2 TO WASTEWATER REGULATIONS.

3  
4 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
5

6 **PART 1.** Subsection (B) of Section 15-10-11 (*Definitions*) of the City Code is  
7 amended to delete definition (20) (“Excess Wastewater”), add a new definition  
8 (55) (“Process Wastewater”), renumber subsequent definitions, and amend certain  
9 definitions to read as follows:

10 (B) In this chapter:

11 (2) APPROVAL AUTHORITY means the [~~Regional Administrator~~  
12 ~~of the EPA or the director in a national pollutant discharge~~  
13 ~~elimination system delegated state with an approved state~~  
14 ~~pretreatment program.] Executive Director of the Texas  
15 Commission on Environmental Quality.~~

16 (4) AUTHORIZED REPRESENTATIVE means the person who  
17 may act on behalf of a [~~person discharging wastewater to the~~  
18 ~~POTW] user.~~

19 (a) If the user is a corporation, the authorized representative  
20 must be:

21 ([~~a~~]i)the officer of the corporation in charge of a principal  
22 business function, or another person who performs  
23 similar policy or decision making functions; or[-]

24 ([~~b~~]ii)[~~the properly authorized manager of one or more~~  
25 ~~manufacturing, production, or operation facilities with~~  
26 ~~more than 250 employees or gross annual sales or~~  
27 ~~expenditures exceeding \$25 million (in second quarter~~  
28 ~~1980 dollars).]the manager of one or more  
29 manufacturing, production, or operating facilities,  
30 provided that the manager is authorized: to make  
31 management decisions governing the operation of the  
32 regulated facility, including making major capital~~

33 investment recommendations; to initiate and direct other  
34 comprehensive measures to assure long-term  
35 environmental compliance with environmental laws and  
36 regulations; to establish necessary systems or take actions  
37 to gather complete and accurate information for control  
38 mechanism requirements; and to sign documents on  
39 behalf of the corporation.

40 (b) If the user is a partnership or sole proprietorship, the  
41 authorized representative must be a general partner or the  
42 proprietor, respectively.

43 (c) If the user is a federal, state, or local government facility,  
44 the authorized representative must be a director or the  
45 highest official appointed or designated to oversee the  
46 operation and performance of the activities of the  
47 government facility, or their designee.

48 (d) A representative who meets the requirements of  
49 Paragraphs (a), (b) or (c) of this subsection may designate  
50 another person as a duly authorized representative if the  
51 designation is in writing and in a form acceptable to the  
52 director, provided the authorization specifies the individual  
53 or position responsible for the overall operation of the  
54 facility from which the discharge originates or having  
55 overall responsibility for environmental matters for the  
56 company.

57 (5) ~~BEST MANAGEMENT [PRACTICE means a schedule of~~  
58 ~~activities, prohibition of practices, maintenance procedures, and~~  
59 ~~other management practices to prevent or reduce the amount of~~  
60 ~~pollution discharged to the POTW, including:~~

61 (a) ~~a treatment requirement;~~

62 (b) ~~an operating procedure; and~~

63 (c) ~~a practice to control plant site runoff, spillage or leaks,~~  
64 ~~sludge or waste disposal, or drainage from raw material~~  
65 ~~storage.]PRACTICES or BMPs means schedules of~~  
66 activities, prohibitions of practices, maintenance  
67 procedures, and other management practices to achieve

68 compliance with Sections 15-10-21 (*General Prohibition*  
69 *Against Discharge*) and 15-10-24 (*Discharge of*  
70 *Contaminated Drainage or Ground Water*). BMPs also  
71 include treatment requirements, operating procedures,  
72 and practices to control plant site runoff, spillage or  
73 leaks, sludge or waste disposal, or drainage from raw  
74 materials storage.

75 (19) DRAINAGE WATER means storm water; surface water;  
76 ground water; roof run-off water; drainage from downspouts;  
77 water from yard drains; water from fountains and ponds; water  
78 from lawn sprays, rainwater leaders, and areaways; and  
79 overflows from cisterns and water tanks[; ~~swimming pool~~  
80 water; and ~~swimming pool filter backwash water~~].

81 (~~[33]~~32) INDUSTRIAL WASTE means liquid waste and a  
82 waterborne liquid, gaseous, or solid substance, [~~excluding~~  
83 ~~sewage discharged from sanitary conveniences that is not~~  
84 ~~commingled with wastewater containing industrial waste,]~~  
85 discharged or disposed of from an industrial, manufacturing,  
86 trade or commercial establishment, including a nonprofit  
87 organization, governmental agency or business activity.

88 (~~[34]~~33) INSTANTANEOUS[~~MAXIMUM ALLOWABLE~~] LIMIT  
89 means the maximum concentration or loading of an allowable  
90 pollutant, determined from the analysis of a discrete or  
91 composite sample collected independent of the industrial flow  
92 rate and the duration of a sampling event.

93 (55) PROCESS WASTEWATER means any water which, during  
94 manufacturing or processing, comes into direct contact with or  
95 results from the production or use of any raw material,  
96 intermediate product, finished product, byproduct, or waste  
97 product.

98 **PART 2.** Section 15-10-22 (*Specifically Prohibited Pollutants*) of the City Code is  
99 amended to read:

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101 **§ 15-10-22 SPECIFICALLY PROHIBITED POLLUTANTS.**

102 Except as authorized by this chapter, a person may not discharge to the  
103 POTW the following:

- 104 (1) other waste, as defined in this chapter;
- 105 (2) a flammable or explosive liquid, solid, or gas, and similar substance  
106 that could create a fire or explosive hazard in the collection system or  
107 the POTW, including a waste stream with a closed-cup flashpoint of  
108 less than 140 degrees Fahrenheit (60 degrees Centigrade), tested in  
109 accordance with 40 CFR 261.21;
- 110 (3) a pollutant regulated under a categorical pretreatment standard  
111 promulgated by EPA in a concentration or amount exceeding  
112 allowable limits;
- 113 (4) a substance causing heat in the POTW at a temperature of 120 degrees  
114 Fahrenheit (48.9 degrees Centigrade) or higher, or at a temperature  
115 that inhibits biological activity in the POTW if the discharge causes  
116 interference, or an increase in the temperature of the influent to a  
117 treatment plant to 104 degrees Fahrenheit (40 degrees Centigrade) or  
118 higher;
- 119 (5) garbage other than comminuted garbage;
- 120 (6) wastewater containing a noxious or malodorous liquid, gas, solid, or  
121 substance that, independently or interactively creates a public  
122 nuisance, or hazard to public health and safety, or prevents entry into  
123 the sanitary sewer for maintenance or repair;
- 124 (7) a pollutant that result in the presence of toxic gases, vapors, or fumes  
125 within the POTW in a quantity or concentration that creates a danger  
126 to public health or safety;
- 127 (8) an acid, alkali, or substance with a pH value lower than 6.0 or higher  
128 than 11.5 standard units, or that corrodes or damages the POTW;
- 129 (9) petroleum oil, non-biodegradable cutting oil, or a product of mineral  
130 oil origin in an amount that causes interference or pass through;
- 131 (10) waste containing a prohibited pollutant trucked or hauled from its  
132 point of origin, except as approved by the director;

- 133 (11) waste removed from a pretreatment facility or private sewage facility,  
134 except at discharge points designated by the director;
- 135 (12) phenol or a similar substance in concentrations that produce odor or  
136 taste in the POTW's receiving waters, if the receiving waters are used  
137 as drinking water;
- 138 (13) wastewater containing radioactive materials in concentrations greater  
139 than allowed by current regulations of the Texas Department of  
140 Health or other agency of competent jurisdiction;
- 141 (14) a solid or viscous pollutant in a quantity or concentration that could  
142 obstruct the flow in the POTW or result in a sanitary sewer overflow  
143 or interference;
- 144 (15) a pollutant or oxygen demanding pollutant discharged at a flow rate or  
145 concentration that could interfere with the POTW, or is not treatable;
- 146 (16) a pollutant, dye water, vegetable tanning solution, whole blood, or a  
147 substance that causes untreatable color in the POTW effluent;
- 148 (17) medical wastes, except as authorized by permit;
- 149 (18) sludge, screenings or other residues from the pretreatment of  
150 industrial waste or other prohibited waste, except as authorized by the  
151 director;
- 152 (19) wastewater containing pollutants that cause the POTW effluent to fail  
153 a toxicity test;
- 154 (20) waste containing detergent, a surface active agent, or a substance that  
155 could cause excessive foaming in the POTW or its effluent;
- 156 (21) wastewater causing a single meter reading of more than ten percent of  
157 the lower explosive limit on an explosion hazard meter;
- 158 (22) antifreeze or a coolant solution used in a vehicle or motorized  
159 equipment;
- 160 (23) an enzyme, chemical, or other agent that allows fat, oil, grease or a  
161 solid to pass through a pretreatment facility;
- 162 (24) drainage water;

- 163 (25) ground water;~~and]~~  
164 (26) drainage water or ground water contaminated by a prohibited  
165 pollutant~~[-, except as specifically authorized in this chapter]; or~~  
166 (27) swimming pool water or swimming pool filter backwash water.

167 **PART 3.** Section 15-10-23 (*Limit on Discharge of Fat, Oil or Grease*) of the City  
168 Code is amended to read:

169 **§ 15-10-23 LIMIT ON DISCHARGE OF FAT, OIL OR GREASE.**

170 [~~(A)~~] Except as authorized by this chapter, a person may not discharge fat, oil,  
171 grease, or similar material to the POTW in excess of an instantaneous  
172 [~~maximum allowable~~] limit of 200 milligrams per liter.

173 [~~(B)~~] ~~If necessary to protect the POTW or sanitary sewer, the director may~~  
174 ~~issue a permit, order, or rule that assigns the limits on discharge of fat,~~  
175 ~~oil, grease, or a similar substance as:~~

176 (1) ~~instantaneous maximum allowable limits;~~

177 (2) ~~daily average limits;~~

178 (3) ~~daily maximum limits;~~

179 (4) ~~monthly average limits; or~~

180 (5) ~~limits of other sampling duration or averaging period.]~~

181 **PART 4.** The City Code is amended to add a new Section 15-10-28 to read:

182 **§ 15-10-28 DISCHARGE OF SWIMMING POOL WATER.**

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184 A person may not discharge swimming pool water or swimming pool filter  
185 backwash water unless:

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187 (1) the person discharging the swimming pool water or swimming  
188 pool filter backwash water:

- 189 (a) applies for and receives a discharge permit or other written  
190 authorization to discharge;
- 191 (b) takes all reasonable measures to determine and use an  
192 appropriate discharge flow rate so that the hydraulic  
193 carrying capacities of the private and public sewer lines or  
194 pipes conveying the wastewater are not exceeded; and
- 195 (c) takes all reasonable measures to prevent the discharge of  
196 soil, sediment, rock, debris or other solid material that may  
197 cause an impediment to flow in the private or public sector  
198 lines; and  
199
- 200 (2) the director:
- 201 (a) assesses the characteristics, volume and concentrations of  
202 pollutants;
- 203 (b) determines that discharge to the POTW is an appropriate  
204 disposal method; and
- 205 (c) issues a discharge permit or other written authorization to  
206 discharge under this chapter.

207 **PART 5.** The City Code is amended to add a new Section 15-10-29 to read:

208 **§ 15-10-29 LIMIT ON DISCHARGE OF TOTAL CYANIDE.**

209 A person may not discharge or allow the discharge to the POTW of  
210 wastewater containing total cyanide in a concentration, solution, or suspension that  
211 exceeds 1.0 milligrams per liter.

212 **PART 6.** The City Code is amended to add a new Section 15-10-30 to read:

213 **§ 15-10-30 TOTAL TOXIC ORGANICS.**

214 A person may not discharge or allow the discharge of wastewater containing  
215 total toxic organics to the POTW in excess of an instantaneous limit of 2.0  
216 milligrams per liter.

217 **PART 7.** Section 15-10-42 (*Exceptions to Categorical Pretreatment Standards*) of  
218 the City Code is amended to read:

219 **§ 15-10-42 EXCEPTIONS TO CATEGORICAL PRETREATMENT**  
220 **STANDARDS.**

221 (A) ~~[The director may impose equivalent concentration or mass limits in~~  
222 ~~accordance with 40 CFR 403.6(e) if a pretreatment standard is~~  
223 ~~expressed only in terms of either pollutant mass or concentration in~~  
224 ~~wastewater.]~~Where a categorical pretreatment standard is expressed  
225 only in terms of either the mass or the concentration of a pollutant in  
226 wastewater, the director may impose equivalent concentration or mass  
227 limits in accordance with Subsections 15-10-42(F) and 15-10-42(G).  
228

229 (B) ~~[The director shall impose an alternate limit using the combined waste~~  
230 ~~stream formula in 40 CFR 403.6(e) if wastewater subject to a~~  
231 ~~pretreatment standard is mixed with wastewater not regulated by the~~  
232 ~~same standard.]~~When the limits in a categorical Pretreatment Standard  
233 are expressed only in terms of mass of pollutant per unit of  
234 production, the director may convert the limits to equivalent  
235 limitations expressed either as mass of pollutant discharged per day or  
236 effluent concentration for purposes of calculating effluent limitations  
237 applicable to individual industrial users.  
238

239 ~~(B)~~C) The director shall impose an alternate limit using the combined waste  
240 stream formula in 40 CFR 403.6(e) if wastewater subject to a  
241 pretreatment standard is mixed with wastewater not regulated by the  
242 same standard.  
243

244 ~~(C)~~D) The director may grant a variance to a person subject to a categorical  
245 pretreatment standard if the person proves under 40 CFR 403.13 that  
246 factors relating to the person's discharge are fundamentally different  
247 from the factors considered by EPA in developing the categorical  
248 pretreatment standard.  
249

250 ~~(D)~~E) The director may grant an adjustment to a person subject to a  
251 categorical pretreatment standard under 40 CFR 403.15.  
252

253 (F) When a categorical pretreatment standard is expressed only in terms  
254 of pollutant concentrations, an industrial user may request that the

255 director convert the limits to equivalent mass limits. The  
256 determination to convert concentration limits to mass limits is within  
257 the discretion of the director. The director may establish equivalent  
258 mass limits only if the industrial user meets all the conditions set forth  
259 in Paragraphs 15-10-42(F)(1)(a) through 15-10-42(F)(1)(e) below.

260  
261 (1) To be eligible for equivalent mass limits, the industrial user  
262 must:

263  
264 (a) employ, or demonstrate that it will employ, water  
265 conservation methods and technologies that substantially  
266 reduce water use during the term of its individual  
267 wastewater discharge permit;

268  
269 (b) currently use control and treatment technologies adequate  
270 to achieve compliance with the applicable categorical  
271 pretreatment standard, and not have used dilution as a  
272 substitute for treatment;

273  
274 (c) provide sufficient information to establish the facility's  
275 actual average daily flow rate for all wastestreams, based  
276 on data from a continuous effluent flow monitoring  
277 device, as well as the facility's long-term average  
278 production rate. Both the actual average daily flow rate  
279 and the long-term average production rate must be  
280 representative of current operating conditions;

281  
282 (d) not have daily flow rates, production levels, or pollutant  
283 levels that vary so significantly that equivalent mass  
284 limits are not appropriate to control the discharge; and

285  
286 (e) have consistently complied with all applicable  
287 categorical pretreatment standards during the period prior  
288 to the industrial user's request for equivalent mass limits.

289  
290 (2) An industrial user subject to equivalent mass limits must:

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292 (a) maintain and effectively operate control and treatment  
293 technologies adequate to achieve compliance with the  
294 equivalent mass limits;

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- (b) continue to record the facility’s flow rates through the use of a continuous effluent flow monitoring device;
  - (c) continue to record the facility’s production rates and notify the director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Paragraph 15-10-42(F)(1)(c). Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - (d) continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Paragraph 15-10-42(F)(1)(a) so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the director:
- (a) will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process or processes of the industrial user by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
  - (b) upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (c) may retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user’s actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section

335 15-10-25 (Dilution Prohibited). The industrial user must  
336 also be in compliance with Section 15-10-27 (Bypass)  
337 regarding the prohibition of bypass.  
338

339 (G) The director may convert the mass limits of the categorical  
340 pretreatment standards in 40 CFR Parts 414, 419, and 455 to  
341 concentration limits for purposes of calculating limitations applicable  
342 to individual industrial users. The conversion is at the discretion of the  
343 director.  
344

345 (H) Once included in its permit, the industrial user must comply with the  
346 equivalent limitations developed in this section in lieu of the  
347 promulgated categorical standards from which the equivalent  
348 limitations were derived.  
349

350 (I) Many categorical pretreatment standards specify one limit for  
351 calculating maximum daily discharge limitations and a second limit  
352 for calculating maximum monthly average, or 4-day average,  
353 limitations. Where such standards are being applied, the same  
354 production or flow figure shall be used in calculating both the average  
355 and the maximum equivalent limitation.  
356

357 (J) Any industrial user operating under a permit incorporating equivalent  
358 mass or concentration limits calculated from a production-based  
359 standard shall notify the director within two (2) business days after the  
360 user has a reasonable basis to know that the production level will  
361 significantly change within the next calendar month. Any user not  
362 notifying the director of such anticipated change will be required to  
363 meet the mass or concentration limits in its permit that were based on  
364 the original estimate of the long term average production rate.  
365

366 **PART 8.** Section 15-10-44 (*Local Limits*) of the City Code is amended to read:

367 **§ 15-10-44 LOCAL LIMITS.**

368 A person shall not discharge or allow the discharge to the POTW of  
369 wastewater containing the following individually identified specific pollutants in  
370 concentrations, solution, or suspension that exceed the following limits:

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372	Pollutant	Milligrams per Liter
373	(1) Arsenic, Total (T)	0.2
374	(2) Cadmium (T)	<del>[0.4]</del> <u>0.35</u>
375	(3) Chromium (T)	0.4
376	(4) Copper (T)	1.1
377	<del>[(5)] Cyanide (T)</del>	<del>1.0]</del>
378	<del>[(6)]</del> Fluoride (T)	65.0
379	<del>[(7)]</del> Lead (T)	0.4
380	<del>[(8)]</del> Manganese (T)	6.1
381	<del>[(9)]</del> Mercury (T)	0.002
382	<del>[(10)]</del> Molybdenum (T)	1.1
383	<del>[(11)]</del> Nickel (T)	1.6
384	<del>[(12)]</del> Selenium (T)	1.8
385	<del>[(13)]</del> Silver (T)	1.0
386	<del>[(14)]</del> Zinc (T)	2.3

387 **PART 9.** Section 15-10-45 (*Total Toxic Organics*) of the City Code is repealed.

388 **PART 10.** Section 15-10-46 (*Compliance Determination; Assignment of Limits*)  
389 of the City Code is renumbered and amended to read:

390 **§ 15-10-45~~[6]~~ COMPLIANCE DETERMINATION; ASSIGNMENT OF**  
391 **LIMITS.**

392 (A) The director may determine compliance with the local limits, the total  
393 cyanide limit, or the total toxic organics limit based on the analysis of:

394 (1) a grab sample; or

395 (2) a combination of grab samples, time composite samples, or  
396 flow composite samples.

397 (B) If necessary to protect the POTW or sanitary sewer, the director may  
398 issue a permit, order, or rule that assigns the local limits [ø], the total  
399 cyanide limit, the total toxic organics limit, or the limitation on the  
400 discharge of fat, oil, grease or similar material as:

401 (1) instantaneous [~~maximum allowable~~] limits;

402  
403 (2) daily average limits;

404  
405 (3) daily maximum limits;

406  
407 (4) monthly average limits; [ø]

408  
409 (5) limits of other sampling duration or averaging period; or

410  
411 (6) mass limits in accordance with Section 15-10-47 (Assignment  
412 of Equivalent Mass Limits for Local Limits, Total Cyanide,  
413 Total Toxic Organics or Fat, Oil or Grease).

414 **PART 11.** The City Code is amended to add a new Section 15-10-47 to read:

415 **§ 15-10-47 ASSIGNMENT OF EQUIVALENT MASS LIMITS FOR LOCAL**  
416 **LIMITS, TOTAL CYANIDE, TOTAL TOXIC ORGANICS OR FAT, OIL**  
417 **OR GREASE**

418  
419 (A) The director may impose mass limitations instead of the concentration  
420 limits in Sections 15-10-23 (*Limit on Discharge, Fat, Oil or Grease*),  
421 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-10-30 (*Total*  
422 *Toxic Organics*), or 15-10-44 (*Local Limits*) on an industrial user to  
423 prevent or discourage the use of dilution to meet applicable  
424 pretreatment standards or requirements, or in other cases when the  
425 imposition of mass limitations is deemed appropriate by the director.  
426 A mass local limit imposed on an industrial user under these  
427 circumstances is intended to be equivalent to, or more restrictive than,  
428 the concentration based limit in Sections 15-10-23 (*Limit on*  
429 *Discharge, Fat, Oil or Grease*), 15-10-29 (*Limit on Discharge of*  
430 *Total Cyanide*), 15-10-30 (*Total Toxic Organics*), and 15-10-44  
431 (*Local Limits*).

432  
433 (B) An industrial user may request that the director convert the  
434 concentration limits to equivalent mass local limits based on

435 substantial water conservation by the user. The determination to  
436 convert concentration limits to mass local limits for a qualifying  
437 industrial user is at the discretion of the director. Industrial users that  
438 meet all the conditions set forth in Subdivisions 15-10-47(B)(1)  
439 through 15-10-47(B)(5) below could qualify for mass limits.  
440

441 (1) To be eligible for equivalent mass limits for concentration  
442 based limits under these circumstances, the industrial user  
443 must:

- 444 (a) employ, or demonstrate that it will employ, water  
445 conservation methods and technologies that substantially  
446 reduce water use during the term of its individual  
447 wastewater discharge permit;  
448
- 449 (b) currently use control and treatment technologies adequate  
450 to achieve compliance with applicable pretreatment  
451 standard, and not have used dilution as a substitute for  
452 treatment;  
453
- 454 (c) provide sufficient information to establish the facility's  
455 flow rates, based on data from flow monitoring devices  
456 or verifiable estimates, as well as the facility's long-term  
457 average production rate. Both the average daily flow rate  
458 and the long-term average production rate must be  
459 representative of current operating conditions;  
460
- 461 (d) not have daily flow rates, production levels, or pollutant  
462 levels that vary so significantly that equivalent mass  
463 limits are not appropriate to control the discharge; and  
464
- 465 (e) have consistently complied with the applicable  
466 pretreatment standard during the period prior to the  
467 industrial user's request for the equivalent mass limit  
468 specified.  
469

470  
471 (2) An industrial user subject to equivalent mass limits must:  
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- 473 (a) maintain and effectively operate control and treatment  
474 technologies adequate to achieve compliance with the  
475 equivalent mass limits;
- 476 (b) continue to record the facility's flow rates through the  
477 use of a flow monitoring device or verifiable estimate  
478 approved by the director;
- 479  
480 (c) continue to record the facility's production rates and  
481 notify the director whenever production rates are  
482 expected to vary by more than 20 percent from its  
483 baseline production rates, determined in Paragraph 15-  
484 10-47(B)(1)(c) of this subdivision. Upon notification of a  
485 revised production rate, the director will reassess the  
486 equivalent mass limit and revise the limit as necessary to  
487 reflect changed conditions at the facility; and  
488
- 489 (d) continue to employ the same or comparable water  
490 conservation methods and technologies as those  
491 implemented pursuant to Paragraph 15-10-47(B)(1)(a) of  
492 this subdivision, so long as it discharges under an  
493 equivalent mass limit.  
494
- 495 (3) When developing equivalent mass limits, the director:
- 496  
497 (a) will calculate the equivalent mass limit by multiplying  
498 the average daily flow rate of the industrial user by the  
499 applicable concentration-based limit and the appropriate  
500 unit conversion factor;  
501
- 502 (b) upon notification of a revised production rate, will  
503 reassess the equivalent mass limit and recalculate the  
504 limit as necessary to reflect changed conditions at the  
505 facility; and  
506
- 507 (c) may retain the same equivalent mass limit in subsequent  
508 individual wastewater discharge permit terms if the  
509 industrial user's average daily flow rate was reduced  
510 solely as a result of the implementation of water  
511 conservation methods and technologies, and the average

512 daily flow rates used in the original calculation of the  
513 equivalent mass limit were not based on the use of  
514 dilution as a substitute for treatment pursuant to Section  
515 15-10-25 (*Dilution Prohibited*). The industrial user must  
516 also be in compliance with Section 15-10-27 (*Bypass*)  
517 regarding the prohibition of bypass.

518  
519 (d) The director will not assign a mass limit for a local limit  
520 that exceeds the mass allocated to the industrial user  
521 when the local limit for the pollutant was last calculated.  
522 The director will verify that any mass limit assigned will  
523 not permit pollutant discharges above the maximum  
524 allowable influent loading for the POTW that receives  
525 the waste.

526  
527 (C) Once included in its permit, the industrial user must comply with the  
528 equivalent mass limits developed in this section in lieu of the  
529 concentration limits in Sections 15-10-23 (*Limit on Discharge of Fat,*  
530 *Oil or Grease*), 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-  
531 10-30 (*Total Toxic Organics*), or 15-10-44 (*Local Limits*) from which  
532 the mass limits were derived.

533 **PART 12.** Subsection (A) of Section 15-10-53 (*Permit Required*) of the City  
534 Code is amended to read:

535 (A) A person must obtain a permit from the director before discharging  
536 wastewater containing industrial waste or other prohibited waste to  
537 the POTW.

538 **PART 13.** Subsection (C) of Section 15-10-58 (*Slug Control Plan*) of the City  
539 Code is amended to read:

540  
541 **§ 15-10-58 SLUG CONTROL PLAN.**

542 (C) [~~At least every two years, the~~]The director shall determine if a  
543 significant industrial user has sufficient systems and procedures to  
544 prevent slug discharges. This determination shall be documented and  
545 the results of the determination shall be available to the approval  
546 authority upon request. The director shall require a significant  
547 industrial user to develop and implement a slug control plan under this  
548 article if the director finds a risk to the POTW exists.

549 **PART 14.** Section 15-10-61 (*Mass Limitations on Pollutants*) of the City Code is  
550 amended to read:

551 **§ 15-10-61 [MASS LIMITATIONS ON POLLUTANTS] AUTHORITY TO**  
552 **ASSIGN OTHER LIMITS.**

553 ~~[The director may]~~ If necessary to protect the POTW or sanitary sewer or to  
554 prevent interference or pass through, the director may issue a permit, order, or rule  
555 that assigns or imposes limits on the mass or concentration of any pollutant  
556 discharge. [, s if necessary to:

557 (1) ~~protect the POTW; or~~

558 (2) ~~prevent prohibited dilution of pollutants even if no technically~~  
559 ~~based local limit has been developed for the pollutant.]~~

560 **PART 15.** Section 15-10-91 (*Discharge Permit Required*) of the City Code is  
561 amended to read:

562 **§ 15-10-91 DISCHARGE PERMIT REQUIRED**

563  
564 A person may not deposit or discharge wastewater containing industrial  
565 waste or other prohibited waste to the POTW without a permit.

566  
567 **PART 16.** Subsection (B) of Section 15-10-92 (*Application Requirements*) of the  
568 City Code is amended to read:

569 (B) An application for a permit under this chapter must include:

570 (1) name, title, address, and telephone number of the authorized  
571 representative for the applicant;

572 (2) description or address of the location;

573 (3) description of the activity and process conducted at the  
574 location;

575 (4) description of the facility at the location;

576 (5) nature and characteristics of the proposed discharge;

- 577 (6) a list of raw materials and chemicals used or stored at the  
578 location that may be discharged to the POTW, intentionally or  
579 accidentally;
- 580 (7) type, amount, process, and rate of product produced;
- 581 (8) type and amount of raw materials processed, including the daily  
582 average and daily maximum;
- 583 (9) a copy of the site, floor, mechanical, and plumbing plans that  
584 show sewers, floor drains, and pretreatment facilities by size,  
585 location, elevation, and points of origin; ~~and~~
- 586 (10) time and duration of discharge; and
- 587 (11) the location for monitoring all wastes to be covered by the  
588 permit.

589 **PART 17.** Section 15-10-93 (*Transfer of Existing Permit*) is amended to read:

590 **§ 15-10-93 TRANSFER OF EXISTING PERMIT.**

591 (A) [~~A person assuming ownership, occupancy, or management of a~~  
592 ~~premises covered by an existing permit shall apply for a transfer of the~~  
593 ~~existing permit no later than the 30th day before the proposed~~  
594 ~~transfer.] The director may transfer a wastewater discharge permit to a  
595 new owner or operator of a wastewater discharge facility only if the  
596 permittee gives advance notice to the director and the director  
597 approves the wastewater discharge permit transfer. The notice must  
598 include written certification by the new owner or operator that:~~

599 (1) states that the new owner or operator has no immediate intent to  
600 change the facility's operations and processes;

601 (2) identifies the specific date on which the transfer is to occur; and

602 (3) acknowledges full responsibility for complying with the  
603 existing individual wastewater discharge permit.

604 (B) [~~The director may transfer an existing permit if:~~

605 (1) ~~the new owner, occupant or manager:~~

- 606 (a) ~~complies with the application requirements of this~~  
607 ~~section; and~~
- 608 (b) ~~pays the permit transfer fee; and~~
- 609 (2) ~~the discharge from the permitted premises complies with the~~  
610 ~~requirements of this chapter at the time of the transfer.] Failure~~  
611 ~~to provide advance notice of a transfer renders the individual~~  
612 ~~wastewater discharge permit void as of the date of facility~~  
613 ~~transfer.~~
- 614 (C) ~~[A person assuming ownership, occupancy, or management of a~~  
615 ~~currently permitted premises shall file an application for a transfer of~~  
616 ~~the permit with the director on the form provided by the director and~~  
617 ~~pay a permit transfer fee.] The director may approve the transfer of an~~  
618 ~~existing permit if:~~
- 619 (1) ~~the new owner, occupant or manager complies with the notice~~  
620 ~~requirements of this section; and~~
- 621 (2) ~~the discharge from the permitted premises complies with the~~  
622 ~~requirements of this chapter at the time of the transfer.~~
- 623 (D) ~~[An application for transfer of an existing permit must include:~~
- 624 (1) ~~name, title, address, and telephone number of the authorized~~  
625 ~~representative for the applicant;~~
- 626 (2) ~~description or address of the location;~~
- 627 (3) ~~description of the activity and the process conducted at the~~  
628 ~~location;~~
- 629 (4) ~~description of the facility at the location;~~
- 630 (5) ~~nature and characteristics of the proposed discharge;~~
- 631 (6) ~~a list of raw materials and chemicals used or stored at the~~  
632 ~~location that may be discharged to the POTW, intentionally or~~  
633 ~~accidentally;~~
- 634 (7) ~~type, amount, process, and rate of product produced;~~

635                   (8) ~~type and amount of raw materials processed, including the daily~~  
636                                 ~~average and daily maximum;~~

637                   (9) ~~a copy of the site, floor, mechanical, and plumbing plans that~~  
638                                 ~~show sewers, floor drains, and pretreatment facilities by size,~~  
639                                 ~~location, elevation, and points of origin; and~~

640                   (10) ~~time and duration of discharge.~~

641                   (E) ~~A person assuming ownership, occupancy or management of a~~  
642                                 ~~premises covered by an existing permit shall certify that there has~~  
643                                 ~~been no material change in:~~

644                                 (1) ~~the equipment, facility or process used on the permitted~~  
645   ~~premises; or~~

646                                 (2) ~~the character, quantity, rate of flow, or other characteristics of~~  
647   ~~the discharge.]~~

648                   [(F)] ~~The director may waive the [permit] notice and prior approval~~  
649                                 ~~requirement for the transfer of a permit issued to a user that is not a~~  
650                                 ~~significant industrial user.~~

651                   **PART 18.** Section 15-10-94 (*Updated Designation of Authorized Representative*)  
652                                 of the City Code is amended to read:

653                   **§ 15-10-94 UPDATED DESIGNATION OF AUTHORIZED**  
654                   **REPRESENTATIVE.**

655                                 [(A) ~~A person holding a permit shall send written notification to the~~  
656   ~~director identifying the authorized representative:~~

657   (1) ~~annually;~~

658   (2) ~~upon appointment of a different authorized representative;~~

659   (3) ~~as otherwise required by the director.~~

660                   (B) ~~A person shall designate in writing an authorized representative and~~  
661                                 ~~submit the name to the director.~~

662                   (C) ~~An authorized representative under this section must be either:~~

- 663 (1) ~~an individual; or~~
- 664 (2) ~~for a significant industrial user, a position having responsibility~~  
665 ~~for the overall operation of the facility from which a discharge~~  
666 ~~originates, or environmental matters.~~

667 ~~(D) If a change in personnel or policy requires a change to the authorized~~  
668 ~~representative designation, a new designation under this section must~~  
669 ~~be submitted to the director before or with a report required to be~~  
670 ~~signed by an authorized representative.]~~

671 If the designation of an authorized representative is no longer accurate  
672 because a different individual or position has responsibility for the overall  
673 operation of the facility or overall responsibility for environmental matters for the  
674 company, a new written designation satisfying the requirements of this chapter  
675 must be submitted to the director prior to or together with any reports to be signed  
676 by an authorized representative.

677 **PART 19.** Section 15-10-98 (*Exceptions to Permit Requirement*) of the City Code  
678 is amended to read:

679 **§ 15-10-98 EXCEPTIONS TO PERMIT REQUIREMENT.**

680 A person that does not discharge wastewater that contains industrial waste or  
681 other prohibited waste is not required to obtain a permit. The following may be  
682 exempt from the requirement to obtain a permit [for the following premises]:

- 683 (1) a single family residence;
- 684 (2) a residential duplex; or
- 685 (3) [a location that only discharges sewage.] other locations where the  
686 director has:
- 687 (a) determined that the discharge will not harm the POTW, public  
688 health, or property;
- 689 (b) determined that the discharge is not subject to federal, state, or  
690 local pretreatment requirements; and
- 691 (c) determined that the discharge would not require any  
692 pretreatment, management practices, or other control strategies

693 to comply with all discharge limitations or pretreatment  
694 standards.

695  
696 **PART 20.** Section 15-10-101 (*Additional Conditions*) of the City Code is  
697 amended to read:

698  
699 **§ 15-10-101 ADDITIONAL CONDITIONS.**

700 The director may impose additional or more stringent conditions in a permit  
701 as necessary to:

- 702 (1) prevent pass through or interference;
- 703 (2) protect the water quality of the POTW's receiving waters;
- 704 (3) protect public health and safety;
- 705 (4) facilitate proper sludge management and disposal;
- 706 (5) protect the POTW against damage;
- 707 (6) require self-monitoring, reporting and record keeping by a person  
708 discharging wastewater to the POTW;
- 709 (7) provide access to a permitted facility to allow inspection, sampling, or  
710 enforcement activities under this chapter;
- 711 (8) minimize wastewater treatment process expense;
- 712 (9) ensure POTW compliance with the NPDES or TPDES permits;
- 713 (10) protect ambient air quality; ~~and~~
- 714 (11) implement federal, state, and local pretreatment regulations; and
- 715 (12) incorporate requirements to control slug discharges, if determined by  
716 the director to be necessary.

717 **PART 21.** Section 15-10-102 (*Permit Modification*) of the City Code is amended  
718 to read:

719 **§ 15-10-102 PERMIT MODIFICATION.**

- 720 The director may modify a permit to:
- 721 (1) incorporate a new or revised federal, state, or local pretreatment  
722 standard or requirement;
- 723 (2) regulate an alteration or addition to a person's operation, process or  
724 wastewater volume or character of discharge;
- 725 (3) temporarily or permanently reduce or eliminate a previously  
726 authorized discharge to implement a change in the POTW or sanitary  
727 sewer system;
- 728 (4) respond to a threat to the POTW, sanitary sewer, receiving waters,  
729 treatment plant, or public health and safety caused by a discharge;
- 730 (5) correct, abate, or prevent a recurrence of a violation of a term or  
731 condition of a permit;
- 732 (6) respond to a misrepresentation or failure to fully disclose relevant  
733 facts in a permit application or a required report;
- 734 (7) revise or grant a variance from categorical pretreatment standards;
- 735 (8) correct a typographical, clerical or other ministerial error in the  
736 permit; or
- 737 (9) reflect a transfer of a permitted facility to a new owner, occupant or  
738 manager; or
- 739 (10) incorporate any revised conditions, standards or requirements as  
740 consistent with the purposes of this chapter.  
741

742 **PART 22.** Section 15-10-111 (*Significant Industrial Users*) of the City Code is  
743 amended to read:  
744

745 **§ 15-10-111 SIGNIFICANT INDUSTRIAL USERS.**

746 (A) In addition to the other requirements in this chapter, a permit issued to  
747 a significant industrial user must include:

- 748 (1) a statement identifying:
- 749 (a) the person holding the permit;

- 750 (b) the premises from which the permitted discharge will be  
751 emitted; and
- 752 (c) the nature, characteristics, conditions, and limitations to  
753 the permitted discharge;
- 754 (2) the period during which the permit is effective;
- 755 (3) a statement that the permit is non-transferable without the  
756 director's approval;
- 757 (4) a requirement that the person holding the permit must provide a  
758 new owner, operator, or manager of a permitted premises with a  
759 copy of the permit;
- 760 (5) effluent limits, including best management practices, based on  
761 federal, state, and local regulation;
- 762 (6) requirements for:
- 763 (a) pretreatment;
- 764 (b) self-monitoring;
- 765 (c) sampling;
- 766 (d) reporting;
- 767 (e) notification; ~~and~~
- 768 (f) record keeping [~~requirements, including identification of:~~
- 769 ~~(i) pollutants to be monitored;~~
- 770 ~~(ii) sampling locations;~~
- 771 ~~(iii) sampling frequency; and~~
- 772 ~~(iv) sample type];~~
- 773 (g) submitting a compliance schedule consistent with federal,  
774 state, and local regulation, if applicable; and

775                    (h) controlling slug discharges, if determined by the director  
776                    to be necessary.

777                    (7) identification of:

778                    (a) pollutants to be monitored;

779                    (b) sampling locations;

780                    (c) sampling frequency; and

781                    (d) sample type; and

782                    ~~([g]8)~~ a statement of the civil, criminal, and administrative penalties  
783                    for a violation of pretreatment standards, or other requirements  
784                    of this chapter~~[-; and~~

785                    ~~[(h)—an applicable compliance schedule consistent with~~  
786                    ~~federal, state, and local regulation].~~

787                    (B) To protect the POTW, the director may require that a permit issued to  
788                    a significant industrial user include:

789                    (1) a limit on:

790                    (a) the average or maximum rate of discharge; or

791                    (b) time of discharge;

792                    (2) flow regulation and equalization requirements;

793                    (3) a limit on the instantaneous daily and monthly average or  
794                    maximum concentration, mass, or other measure of identified  
795                    wastewater pollutants or properties;

796                    (4) requirements for:

797                    (a) the installation of pretreatment and monitoring  
798                    technology;

799                    (b) the installation of pollution controls; or

800 (c) construction of an appropriate containment device  
801 designed to reduce, eliminate, or prevent the introduction  
802 of pollutants into the POTW;

803 (5) ~~[development and implementation requirements for a slug~~  
804 ~~control plan, including management practices necessary to~~  
805 ~~adequately prevent accidental or unanticipated discharges;~~

806 6] development and implementation requirements for a waste  
807 minimization plan to reduce the amount of pollutants  
808 discharged to the POTW;

809  
810 ([7]6) a statement of the management and treatment unit charge or  
811 schedule of charges and fees for wastewater discharged to the  
812 POTW;

813 ([8]7) installation and maintenance requirements for inspection and  
814 sampling facilities and equipment; or

815 ([9]8) a statement that the permit is subject to modification by the  
816 director in accordance with this chapter.

817 (C) The director may make a determination under 40 CFR 403.8(f)(6) that  
818 a person is not a significant industrial user if a person otherwise  
819 classified as a significant industrial user has no reasonable potential  
820 for adversely affecting the POTW's operation or for violating a  
821 pretreatment standard or requirement.

822 (D) The director may designate a significant industrial user as a non-  
823 significant categorical industrial user if the director determines that  
824 the industrial user has never discharged more than 100 gallons per day  
825 of total categorical wastewater (excluding sanitary, non-contact  
826 cooling and boiler blowdown wastewater, unless specifically included  
827 in the pretreatment standard) and the following conditions are met:

828 (1) the industrial user, prior to the director's designation, has  
829 demonstrated consistent compliance with all applicable  
830 categorical pretreatment standards and requirements;

831 (2) the industrial user submits at least once per calendar year the  
832 certification statement required in Section 15-10-167 (*Periodic*  
833 *Certification by Non-Significant Categorical Industrial Users*),

834 together with any additional information necessary to support  
835 the certification statement; and

836 (3) the industrial user never discharges any untreated concentrated  
837 wastewater.

838 (E) Significant industrial users are required to notify the director  
839 immediately of any changes at a facility affecting the potential for a  
840 slug discharge.

841 **PART 23.** Section 15-10-121 (*Surcharge for Extra Strength Wastewater*) of the  
842 City Code is amended to read:

843 **§ 15-10-121 SURCHARGE FOR EXTRA STRENGTH WASTEWATER.**

844 (A) A person discharging to the POTW either extra strength wastewater or  
845 wastewater containing other pollutants for which unit charges have  
846 been developed in accordance with Subsection (M) of this section [~~to~~  
847 ~~the POTW~~] shall pay a monthly surcharge in addition to a usual  
848 monthly sewer service charge.

849 (B) [~~The~~] Except as provided in Subsection (M) of this section, the  
850 director shall calculate the surcharge under this section using cost  
851 factors based on the capital and operating cost of wastewater facilities  
852 necessary to treat extra strength wastewater to reduce excessive  
853 biochemical oxygen demand, chemical oxygen demand, and  
854 suspended solids.

855 (C) Except as provided in Subsection (M) of this section, the director shall  
856 compute the surcharge based on either the chemical oxygen demand  
857 or the biochemical oxygen demand category formulas set out in this  
858 section.

859 (D) Abbreviations and numeric values in this section mean:

860 (1) S: surcharge in dollars that will appear on the customer's  
861 monthly bills;

862 (2) V: wastewater billed in millions of gallons during the billing  
863 period;

- 864 (3) 8.34: pounds per gallon of water;
- 865 (4) A: unit charge in dollars per pound of biochemical oxygen  
866 demand;
- 867 (5) BOD: biochemical oxygen demand strength in milligrams per  
868 liter by weight;
- 869 (6) 200 in the biochemical oxygen demand calculation in the  
870 biochemical oxygen demand formula means normal  
871 biochemical oxygen demand strength in milligrams per liter by  
872 weight;
- 873 (7) B: unit charge in dollars per pound for suspended solids;
- 874 (8) SS: suspended solids concentration in milligrams per liter by  
875 weight;
- 876 (9) 200 in the suspended solids calculation in the biochemical  
877 oxygen demand and chemical oxygen demand formulas means  
878 normal suspended solids concentration in milligrams per liter  
879 by weight;
- 880 (10) C: unit charge in dollars per pound for chemical oxygen  
881 demand;
- 882 (11) COD: chemical oxygen demand strength in milligrams per liter  
883 by weight; and
- 884 (12) 450: Normal chemical oxygen demand strength in milligrams  
885 per liter by weight.
- 886 (E) The director shall use the following biochemical oxygen demand  
887 category formula to derive a surcharge for extra strength wastewater  
888 having a chemical oxygen demand concentration of less than 2.25  
889 times that of the biochemical oxygen demand concentration:  $S = V \times$   
890  $8.34 (A [BOD - 200] + B [SS - 200])$ .
- 891 (F) The director shall use the following chemical oxygen demand  
892 category formula to derive a surcharge for extra strength wastewater  
893 having a chemical oxygen demand concentration of 2.25 or more  
894 times that of the biochemical oxygen demand concentration:  $S = V \times$   
895  $8.34 (C [COD - 450] + B [SS - 200])$ .

- 896 (G) [The] Except as provided in Subsection (M) of this section, the  
897 director may not assess a surcharge for one or more categories if the  
898 strength or concentration for biochemical oxygen demand, suspended  
899 solids or chemical oxygen demand is lower than or equal to the  
900 normal strength wastewater for that category.
- 901 (H) The director may periodically reevaluate a unit charge based on flow  
902 rate, biochemical oxygen demand, chemical oxygen demand, and  
903 suspended solids and adjust a surcharge to reflect an increase or  
904 decrease in wastewater treatment and other applicable costs.
- 905 (I) The director may assess a surcharge against a person who discharges  
906 extra strength wastewater to the POTW based on the person's site-  
907 specific wastewater discharge quality and quantity data, or a surcharge  
908 classification system.
- 909 (J) A person discharging wastewater to the POTW must notify the  
910 director of major changes in operation that may affect the quantity or  
911 quality of wastewater discharged. If the person does not notify the  
912 director of a change that results in a lower surcharge, the director shall  
913 base the surcharge on the data available to the director at the time the  
914 surcharge is billed.
- 915 (K) A person who discharges waste with a concentration of one or more  
916 categories of biochemical oxygen demand, chemical oxygen demand  
917 or suspended solids lower than or equal to normal strength wastewater  
918 is not entitled to credit for the total surcharge assessed by the director.
- 919 (L) The director may periodically reevaluate flow rate, biochemical  
920 oxygen demand, chemical oxygen demand or suspended solids data  
921 based on site-specific discharge data or a classification system and  
922 adjust a specific user's surcharge to reflect any change in the  
923 discharge.
- 924 (M) The director may develop other unit charges and calculate a surcharge  
925 for wastewater using flow rates and strengths or concentrations for  
926 other pollutants discharged to recover wastewater treatment and other  
927 applicable costs as deemed necessary and appropriate.
- 928 (N) Payment of any surcharge under this section does not constitute a  
929 waiver of any of the prohibited discharge standards in this chapter, nor

930 does it relieve any person from the obligation to meet all pretreatment  
931 requirements in this chapter.

932  
933 **PART 24.** Section 15-10-153 (*Baseline Monitoring Report from Existing*  
934 *Categorical User*) of the City Code is amended to read:

935  
936 **§ 15-10-153 BASELINE MONITORING REPORT FROM EXISTING**  
937 **CATEGORICAL USER.**

938 No later than the 180th day after the effective date of a categorical  
939 pretreatment standard or the date of the final administrative decision on a category  
940 determination under 40 CFR Section 403.6(a)(4), existing categorical users  
941 currently discharging or scheduled to discharge to the POTW, shall submit a report  
942 to the director in compliance with the requirements of Section 15-10-155  
943 (~~[Information Required From a Person Subject to Categorical Pretreatment~~  
944 ~~Standards]~~ *Information Required for Significant Industrial User Reports*)  
945 conforming to the required methodologies of Section 15-10-182 (*Required Sample*  
946 *Collection Techniques*).

947  
948 **PART 25.** Section 15-10-154 (*Baseline Monitoring Report from New Source*  
949 *Categorical User*) of the City Code is amended to read:

950 **§ 15-10-154 BASELINE MONITORING REPORT FROM NEW SOURCE**  
951 **CATEGORICAL USER.**

952 (A) No later than the 90th day before beginning discharge, a new source  
953 user or a source that becomes a significant industrial user after the  
954 promulgation of a categorical pretreatment standard must submit a  
955 report to the director [~~in compliance~~]. Except as provided in  
956 Subsections (B) and (C) of this section, the report and sample  
957 collection techniques must comply with the requirements of Section  
958 15-10-155 (~~[Information Required from a Person Subject to~~  
959 ~~Categorical Pretreatment Standards]~~ *Information Required for*  
960 *Significant Industrial User Reports*) [~~together with a report describing~~  
961 ~~the pretreatment method the user intends to use to meet applicable~~  
962 ~~pretreatment standards]~~ and Section 15-10-182 (*Required Sample*  
963 *Collection Techniques*).

964 (B) New source users shall give estimates of [~~information showing:~~]

965 [~~(1)~~] the measured average daily and maximum daily flow in gallons  
966 per day to the POTW from regulated process and [~~other~~  
967 ~~wastewater sufficient to allow calculation of~~] streams as  
968 necessary to allow use of the combined waste stream formula  
969 set out in 40 CFR Section 403.6(e)[;].

970 [~~(2)~~] ~~measurement of pollutants;~~

971 [~~(3)~~] ~~identification of the categorical pretreatment standards~~  
972 ~~applicable to the regulated process; and~~

973 [~~(4)~~] ~~the results of a sampling and analysis representative of daily~~  
974 ~~operations:~~

975 ~~(a)~~ ~~performed in accordance with approved techniques set~~  
976 ~~out in 40 CFR Part 136; and~~

977 ~~(b)~~ ~~if required by an applicable pretreatment standard or the~~  
978 ~~director, identifying the nature and concentration or mass~~  
979 ~~of regulated pollutants in the discharge from the~~  
980 ~~regulated process including:~~

981 ~~(i)~~ ~~instantaneous;~~

982 ~~(ii)~~ ~~daily maximum; and~~

983 ~~(iii)~~ ~~average concentration or mass.]~~

984 (C) The director may allow the submission of a baseline report  
985 which utilizes only historical data so long as the data provides  
986 information sufficient to determine the need for industrial  
987 pretreatment measures.

988 (D) New source users shall include with the report a description of  
989 the pretreatment method the user intends to use to meet applicable  
990 pretreatment standards.

991 **PART 26.** Section 15-10-155 (*Information Required from a Person Subject to*  
992 *Categorical Pretreatment Standards*) of the City Code is amended to read:

993 **§ 15-10-155 INFORMATION REQUIRED ~~[FROM A PERSON SUBJECT~~**  
994 **~~TO CATEGORICAL PRETREATMENT STANDARDS]~~ FOR**  
995 **SIGNIFICANT INDUSTRIAL USER REPORTS.**

996 ~~[Existing or new source categorical users shall submit the following~~  
997 ~~information to the director in reports under this article]~~ The information listed in  
998 (1) through (11) of this section shall be submitted to the director for the reports  
999 required under Sections 15-10-153 (*Baseline Monitoring Report from Existing*  
1000 *Categorical User*) and 15-10-154 (*Baseline Monitoring Report from New Source*  
1001 *Categorical User*). The information listed in (5) through (11) of this section shall  
1002 be submitted to the director for the reports required under Sections 15-10-157  
1003 (*Categorical Pretreatment Standard Compliance*) and 15-10-158 (*Periodic*  
1004 *Reports*). Required information includes:

- 1005 (1) the name and address of the facility;
- 1006 (2) the name of the owner, operator, or manager of the facility;
- 1007 (3) a list of environmental control permits held by or for the facility;
- 1008 (4) a brief description of the nature, average rate of production, and  
1009 standard industrial classification or North American Industry  
1010 Classification System classification of the operation conducted by the  
1011 user including a schematic process diagram that indicates points of  
1012 discharge to the POTW from the regulated process;
- 1013 (5) information showing the measured average daily and maximum daily  
1014 flow in gallons per day to the POTW from regulated process and  
1015 ~~[other wastewater sufficient to allow calculation of]~~ streams as  
1016 necessary to allow use of the combined waste stream formula set out  
1017 in 40 CFR Section 403.6(e);
- 1018 (6) measurement of pollutants;
- 1019 (7) identification of the categorical pretreatment standards applicable to  
1020 the regulated process;
- 1021 (8) ~~[the results of a]~~ sampling and [analysis] analytical data representative  
1022 of daily operations:
- 1023 ~~[(a)] performed in accordance with [approved techniques set out in 40~~  
1024 ~~CFR Part 136; and]~~ approved methods. This shall include:

- 1025 (a) identification of the nature and concentration or mass of  
1026 regulated pollutants in the discharge from the regulated process
- 1027 [~~(b)~~] if required by an applicable pretreatment standard or the director,  
1028 [~~identifying the nature and concentration or mass of regulated~~  
1029 ~~pollutants in the discharge from the regulated process~~] including:
- 1030 (i) instantaneous;
- 1031 (ii) daily maximum; and
- 1032 (iii) average concentration or mass;
- 1033 (b) all sample records including:
- 1034 (i) the date, exact place, method, and time of sampling and  
1035 the names of the person or persons taking the samples;
- 1036 (ii) the dates analyses were performed;
- 1037 (iii) who performed the analyses;
- 1038 (iv) the analytical techniques and methods used; and
- 1039 (v) the results of such analyses;
- 1040 (9) [~~a statement reviewed by its authorized representative and certified to~~  
1041 ~~by a qualified technician indicating:~~] in cases where the pretreatment  
1042 standard requires compliance with a best management practice or  
1043 pollution prevention alternative, the user must submit documentation  
1044 required by the director or the pretreatment standard necessary to  
1045 demonstrate the compliance status of the user;
- 1046 (10) a statement reviewed by its authorized representative and certified to  
1047 by a qualified technician indicating:
- 1048 (a) that the user meets pretreatment standards on a consistent basis;  
1049 or
- 1050 (b) if the user does not meet pretreatment standards, additional  
1051 operation and maintenance or additional pretreatment necessary  
1052 to meet the pretreatment standards and requirements; and
- 1053 (~~10~~11) a compliance schedule, if applicable.

1054 **PART 27.** Subsection (B) of Section 15-10-157 (*Categorical Pretreatment*  
1055 *Standard Compliance*) of the City Code is amended to read:

1056 (B) A report filed under this section ~~must contain:~~

1057 [~~(1) information showing the measured average daily and maximum~~  
1058 ~~daily flow in gallons per day to the POTW from a regulated~~  
1059 ~~process and other wastewater sufficient to allow calculation of~~  
1060 ~~alternate limits using the combined waste stream formula set~~  
1061 ~~out in 40 CFR Section 403.6(e);~~

1062 ~~(2) measurement of pollutants;~~

1063 ~~(3) identification of the categorical pretreatment standards~~  
1064 ~~applicable to the regulated process;~~

1065 ~~(4) the results of a sampling and analysis representative of daily~~  
1066 ~~operations:~~

1067 ~~(a) performed in accordance with approved techniques set~~  
1068 ~~out in 40 CFR Part 136; and~~

1069 ~~(b) if required by an applicable pretreatment standard~~  
1070 ~~or the director, identifying the nature and~~  
1071 ~~concentration or mass of regulated pollutants in the~~  
1072 ~~discharge from the regulated process including:~~

1073 ~~(i) instantaneous;~~

1074 ~~(ii) daily maximum; and~~

1075 ~~(iii) average concentration or mass; and~~

1076 ~~(5) a statement reviewed by its authorized representative and~~  
1077 ~~certified to by a qualified technician indicating:~~

1078 ~~(a) that the user meets pretreatment standards on a~~  
1079 ~~consistent basis; or~~

1080 ~~(b) if the user does not meet pretreatment standards,~~  
1081 ~~additional operation and maintenance or~~  
1082 ~~pretreatment necessary to meet the pretreatment~~  
1083 ~~standards and requirements.]~~

1084 shall include the information required in Section 15-10-  
1085 155 (Information Required for Significant Industrial  
1086 User Reports) using samples collected in accordance  
1087 with Section 15-10-182 (Required Sample Collection  
1088 Techniques).  
1089

1090 **PART 28.** Section 15-10-158 (Periodic Reports) of the City Code is amended to  
1091 read:

1092  
1093 **§ 15-10-158 PERIODIC REPORTS.**

- 1094 (A) A significant industrial user subject to a pretreatment standard  
1095 shall submit to the director a written, signed and certified report  
1096 at least twice each calendar year on the dates specified by the  
1097 director.
- 1098 (B) A report under this section shall include the information  
1099 required in Section 15-10-155 (*Information Required [~~From a~~*  
1100 *Person Subject to Categorical Pretreatment Standards] for*  
1101 *Significant Industrial User Reports*) and Section 15-10-182  
1102 (*Required Sample Collection Techniques*).
- 1103 (C) The director may require a person who generates waste  
1104 discharged, deposited or otherwise received for treatment at the  
1105 POTW to report:
- 1106 (1) the nature and concentration of pollutants in the  
1107 discharge;
  - 1108 (2) the origin of the waste; and
  - 1109 (3) other information as the director considers necessary to  
1110 identify and process the waste or to protect the POTW.
- 1111 (D) If the director imposes mass limitations on [~~an~~] a user under 40  
1112 CFR Section 403.6 (d), the user shall include the mass of  
1113 pollutants in the user's discharge regulated by the pretreatment  
1114 standards in the periodic report required under this section.
- 1115 (E) If the director has imposed equivalent mass or concentration  
1116 limits on [~~an~~] a user under 40 CFR Section 403.6(c), the user  
1117 shall include a reasonable estimate of the user's long-term

1118 production rate in the periodic report required under this  
1119 section.

1120 (F) Users subject to categorical pretreatment standards expressed  
1121 only in terms of allowable pollutant discharge for each unit of  
1122 production or other measure of operation, shall include the  
1123 user's actual average production rate for the reporting period in  
1124 the periodic report required in this section.

1125 (G) Users that send electronic documents to the director to satisfy  
1126 the requirements of this section must certify and submit each  
1127 report in compliance with:

1128 (1) an electronic signature agreement on file with the  
1129 director; and

1130 (2) all other procedures and requirements of an electronic  
1131 document receiving system authorized to accept such  
1132 records in accordance with 40 CFR Part 3.  
1133

1134 **PART 29.** Subsection (A) of Section 15-10-165 (*Records Retention*) of the City  
1135 Code is amended to read:

1136  
1137 (A) A person discharging wastewater containing industrial waste or other  
1138 prohibited waste to the POTW or disposing of waste off-site shall  
1139 retain and make available for inspection and copying by the director  
1140 all records and information required under this chapter, including  
1141 documentation associated with best management practices established  
1142 under Section 15-10-60 (*Best Management Practices*). Such records  
1143 shall include for all samples:

1144 (1) the date, exact place, method, and time of sampling and the  
1145 names of the person or persons taking the samples;

1146 (2) the dates analyses were performed;

1147 (3) who performed the analyses;

1148 (4) the analytical techniques and methods used; and

1149 (5) the results of such analyses.  
1150

1151 **PART 30.** The City Code is amended to add a new Section 15-10-167 to read:

1152

1153 **§ 15-10-167 PERIODIC CERTIFICATION BY NON-SIGNIFICANT**  
1154 **CATEGORICAL INDUSTRIAL USERS.**

1155 The authorized representative for a facility determined to be a non-  
1156 significant categorical industrial user by the director pursuant to Subsection 15-10-  
1157 111(D) must sign the following certification as part of a periodic report submitted  
1158 at least once per calendar year to the director:

1159 “Based on my inquiry of the person or persons directly responsible for  
1160 managing compliance with the categorical pretreatment standards under 40  
1161 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that  
1162 during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_,  
1163 \_\_\_\_\_[months, days, year]:

1164 (A) The facility described as \_\_\_\_\_ [facility name] met  
1165 the requirements of the director’s determination under Subsection 15-10-  
1166 111(D) that the facility is a non-significant categorical industrial user;

1167 (B) The facility complied with all applicable pretreatment standards and  
1168 requirements during this reporting period; and

1169 (C) The facility never discharged more than 100 gallons of total  
1170 categorical wastewater on any given day during this reporting period.

1171 (D) This compliance certification is based on the following information:

1172 \_\_\_\_\_  
1173 \_\_\_\_\_  
1174 \_\_\_\_\_  
1175 \_\_\_\_\_.”

1176 **PART 31.** Section 15-10-182 (*Required Sample Collection Techniques*) of the  
1177 City Code is amended to read:

1178 **§ 15-10-182 REQUIRED SAMPLE COLLECTION TECHNIQUES.**

1179 (A) Except as otherwise provided in this section or by applicable federal,  
1180 state, or local law, [~~a person that discharges wastewater containing~~  
1181 ~~industrial waste or other prohibited waste must collect a wastewater~~  
1182 ~~sample using flow proportional composite collection techniques.] a~~

1183 person must collect wastewater samples using 24-hour flow-  
1184 proportional composite sampling techniques, unless time-proportional  
1185 composite sampling or grab sampling is authorized by the director.  
1186 Where time-proportional composite sampling or grab sampling is  
1187 authorized by the director and documented in the file for that facility  
1188 or facilities, the samples must be representative of the discharge.  
1189 Using protocols (including appropriate preservation) specified in 40  
1190 CFR Part 136, multiple grab samples collected during a 24-hour  
1191 period may be composited prior to the analysis as follows: for  
1192 cyanide, total phenols, and sulfides the samples may be composited in  
1193 the laboratory or in the field; for volatile organics and oil and grease,  
1194 the samples may be composited in the laboratory. Composite samples  
1195 for other parameters unaffected by the compositing procedures may  
1196 be authorized by the director, as appropriate. In addition, grab samples  
1197 may be required to show compliance with instantaneous limits.

- 1198 (B) [~~If the director determines that flow proportional sampling is not~~  
1199 ~~feasible, the director may authorize the use of:~~
- 1200 (1) ~~time proportional sampling;~~
- 1201 (2) ~~sampling of a minimum of four grab samples; or~~
- 1202 (3) ~~other applicable approved sampling procedure provided that the~~  
1203 ~~procedure collects a representative sample of the discharged~~  
1204 ~~effluent]~~

1205 Samples for oil and grease, temperature, pH, cyanide, total phenols,  
1206 sulfides, and volatile organic compounds must be obtained using grab  
1207 collection techniques.

- 1208 (C) [~~A person shall use grab collection techniques to obtain samples of~~  
1209 ~~fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and~~  
1210 ~~volatile organic chemicals.] For sampling required in support of the  
1211 reports required in Sections 15-10-153 (*Baseline Monitoring Report*  
1212 *from Existing Categorical User*), 15-10-154 (*Baseline Monitoring*  
1213 *Report from New Source Categorical User*) and 15-10-157  
1214 (*Categorical Pretreatment Standard Compliance*), a minimum of four  
1215 grab samples must be used for pH, cyanide, total phenols, oil and  
1216 grease, sulfide and volatile organic compounds for facilities for which  
1217 historical sampling data do not exist; for facilities for which there is~~

1218 historical sampling data representative of effluent being discharged,  
1219 the director may authorize a lower minimum. For the reports required  
1220 by Section 15-10-158 (Periodic Reports), the significant industrial  
1221 user, whether categorical or non-categorical, is required to collect the  
1222 number of grab samples necessary to assess and assure compliance  
1223 with applicable pretreatment standards and requirements.  
1224

1225 **PART 32.** Section 15-10-184 (*Sampling Requirements*) of the City Code is  
1226 amended to read:

1227  
1228 **§ 15-10-184 SAMPLING REQUIREMENTS.**

1229 (A) A person shall use wastewater samples representative of actual  
1230 discharge as the basis of a periodic report filed with the director.

1231 (B) A person shall maintain and operate wastewater monitoring and flow  
1232 measurement facilities in good working order. A user may not submit  
1233 a sample result that is not representative of an operation's discharge  
1234 based on the user's failure to keep its monitoring facility in good  
1235 working order. A user's failure to keep its monitoring facility in good  
1236 working order shall not be grounds for the user to claim that sample  
1237 results are unrepresentative of its discharge.

1238 (C) A person subject to [~~categorical~~] reporting requirements under this  
1239 article shall include the results from all approved methods used to  
1240 monitor a pollutant in the periodic report to the director, including  
1241 results obtained by monitoring conducted more frequently than  
1242 required by the director.  
1243

1244 **PART 33.** Section 15-10-191(*Definitions*) of the City Code is amended to amend  
1245 (2), the definition of "Approved Liquid Waste" to read:

1246  
1247 (2) APPROVED LIQUID WASTE means liquid waste approved by the  
1248 director for disposal at an approved receiving station operated by the  
1249 City including:

1250 (a) septic tank waste;

1251 (b) chemical toilet waste;

1252 (c) waste activated sludge from facilities pre-approved by the  
1253 director; and

1254 (d) other liquid waste approved by the director.

1255  
1256 **PART 34.** Section 15-10-192 (*Restrictions on Discharge of Liquid Waste*) of the  
1257 City Code is amended by adding new Subsections (C), (D), and (E) to read:

1258  
1259 (C) A person shall adhere to all receiving station rules in conjunction with  
1260 any discharge of liquid waste to a City owned or operated approved  
1261 receiving station.

1262 (D) Except as otherwise allowed by the director, a person shall first obtain  
1263 discharge authorization from the receiving station attendant prior to  
1264 any discharge of liquid waste to a City owned or operated approved  
1265 receiving station.

1266 (E) A person discharging or disposing of liquid waste to a City owned or  
1267 operated approved receiving station shall only use vehicles with waste  
1268 load tanks that have never been used to collect or transport waste from  
1269 a grit trap or hold-haul tank, unless:

1270 (1) the vehicle's waste load tank has been thoroughly cleaned  
1271 subsequent to the most recent load of waste from a grit trap or  
1272 hold-haul tank; and

1273 (2) the person has adequately verified and demonstrated to the  
1274 director that, subsequent to the required cleaning, the waste  
1275 load tank contained no pollutants in excess of federal, state, or  
1276 local discharge standards.

1277  
1278 **PART 35.** Subsection (A) of Section 15-10-193 (*Offenses*) is amended to read:

1279  
1280 (A) A person commits an offense under this article if the person:

1281 (1) discharges or disposes of liquid waste at a location other than  
1282 an approved receiving station;

1283 (2) discharges or disposes of liquid waste, other than approved  
1284 liquid waste, at a City owned or operated approved receiving  
1285 station;

- 1286 (3) discharges or disposes of liquid waste at a City owned or  
1287 operated approved receiving station [~~more than four days after~~  
1288 ~~the date of a manifest indicating receipt from a generator;~~] and:
- 1289 (a) fails to comply with receiving station rules; or
- 1290 (b) fails to obtain discharge authorization from the director  
1291 or receiving station attendant;
- 1292 (4) transfers liquid waste without accurately documenting the  
1293 transfer on a manifest from:
- 1294 (a) one vehicle to another;
- 1295 (b) a mobile storage tank to a vehicle; or
- 1296 (c) a fixed storage tank to a vehicle;
- 1297 (5) discharges hazardous waste or liquid waste containing  
1298 pollutants in violation of federal, state, or local law;
- 1299 (6) discharges waste from grease traps, grit traps, or hold haul  
1300 tanks that has been commingled with sewage, septic tank waste,  
1301 activated sludge, or chemical toilet waste to a City owned or  
1302 operated approved receiving station;
- 1303 (7) discharges to the POTW or sanitary sewer liquid waste not  
1304 documented by a manifest as required by local and state health  
1305 regulations;
- 1306 (8) possesses or presents a false manifest, chemical analysis, list of  
1307 industrial contributors, or other document to obtain approval for  
1308 discharge or disposal of liquid waste;
- 1309 (9) discharges waste from a grit trap, grease trap, or hold haul tank  
1310 to:
- 1311 (a) the POTW;
- 1312 (b) the City's sanitary sewer system;
- 1313 (c) the POTW's wholesale wastewater customers; or
- 1314 (d) a City owned or operated approved receiving station;

- 1315 (10) discharges hazardous waste at a receiving station not permitted  
 1316 to receive hazardous waste under the RCRA;
- 1317 (11) discharges liquid waste collected from one or more generators  
 1318 into a service line, cleanout, [~~sampling~~] sample port, manhole,  
 1319 or other device that discharges into the POTW and is owned or  
 1320 operated by a third person;
- 1321 (12) discharges grease trap waste, grit trap waste, or other liquid  
 1322 waste removed from a grease trap or grit trap into the device  
 1323 from which it was removed or any other device; [~~or~~]
- 1324 (13) discharges grease trap waste, grit trap waste, or other liquid  
 1325 waste that has been physically or chemically treated, separated,  
 1326 commingled with other liquid waste, or otherwise altered, into a  
 1327 grease trap, grit trap, or other device while or after the device is  
 1328 being serviced; or
- 1329 (14) discharges liquid waste at a City owned or operated approved  
 1330 receiving station using a vehicle that has previously been used  
 1331 to transport waste from a grit trap or hold haul tank without  
 1332 adequately cleaning, verifying, and demonstrating to the  
 1333 director that the vehicle contained only approved liquid waste  
 1334 prior to the discharge.  
 1335

1336 **PART 36.** Subsection (A) of Section 15-10-197 (*Requirements for Cleaning*  
 1337 *Grease Traps*) of the City Code is amended to read:

- 1338
- 1339 (A) A person who discharges wastewater from a grease trap to the POTW  
 1340 shall:
- 1341 (1) completely remove all fat, oil, or grease waste, other liquid  
 1342 waste, semi-solid or solid and residue from the grease trap  
 1343 when the grease trap is cleaned; [~~and~~]
- 1344 (2) clean the grease trap the earlier of:
- 1345 (a) at least every [~~three months~~] ninety days; or
- 1346 (b) when 50 percent or more of the wetted height of the  
 1347 grease trap, as measured from the bottom of the grease

1348 trap to the invert of the outlet pipe, contains grease and  
1349 solids;

1350 (3) use a liquid waste hauler permitted by the director to remove  
1351 the grease trap waste; and

1352 (4) document the removal of the hauled liquid waste from the  
1353 grease trap using a manifest approved by the director.

1354 **PART 37.** Subsection (A) of Section 15-10-198 (*Requirements for Cleaning Grit*  
1355 *Traps*) of the City Code is amended to read:

1356 (A) A person who discharges wastewater from a grit trap to the POTW  
1357 shall:

1358 (1) completely remove all oil and grease waste, other liquid waste,  
1359 semi-solid, or solid and residue from the grit trap when the grit  
1360 trap is cleaned;

1361 (2) use a liquid waste hauler permitted by the director to remove  
1362 the grit trap waste; and

1363 (3) document the removal of the hauled liquid waste from the grit  
1364 trap using a manifest approved by the director.

1365 **PART 38.** The title of Title 15, Chapter 10, Article 11 is amended to read:

1366 **ARTICLE 11. ~~[MANHOLE]~~ SEWER ACCESS REQUIREMENTS.**

1367 **PART 39.** Section 15-10-221 (*Definitions*) of the City Code is amended to read:

1368 (1) BUILDING TAP means the point of connection between a  
1369 [~~building sewer main~~] private lateral and a wastewater service  
1370 connection.

1371 [~~(2) CONTROL MANHOLE means an access into a building sewer~~  
1372 ~~located on private property at or near a building tap.~~]

1373 ([~~3~~]2) CUSTOMER means:

1374 (a) a person provided with utility service by the City at a  
1375 specified service address;

1376 (b) an owner of property connected to the City's utility  
1377 service at a specified service address; or

1378 (c) a person who receives the benefit of the City's utility  
1379 service.

1380 (3) LARGE-DIAMETER CLEANOUT means an access into a  
1381 building sewer located at or near a building tap that would  
1382 allow inspection and maintenance of the wastewater service  
1383 connection.

1384 (4) PRIVATE LATERAL has the meaning assigned in Section 15-  
1385 11-2 (Definitions).

1386 ([4]5) ~~[MINI-MANHOLE]~~ SAMPLE PORT means an access into [the  
1387 City sewer system located on a wastewater service connection]  
1388 either a public or private sewer system at a location that would  
1389 allow inspection, flow monitoring and the collection of  
1390 representative wastewater samples.

1391 ([5]6) WASTEWATER MANHOLE means an access into the City  
1392 sewer system located on a public sewer main.

1393 ([6]7) WASTEWATER SERVICE CONNECTION means that part of  
1394 the City sewer system extending from the building tap to the  
1395 public sewer main.  
1396

1397 **PART 40.** Section 15-10-222 (*Manhole Required*) of the City Code is amended to  
1398 read:

1399  
1400 **§ 15-10-222 MANHOLE REQUIRED.**

1401 (A) A customer shall construct a wastewater manhole [on] connecting the  
1402 sewer system of a building, structure, facility, or installation [built or  
1403 modified to:] in compliance with the City's Utilities Criteria Manual.

1404 [(1) ~~discharge a pollutant required to be permitted under this~~  
1405 ~~chapter;~~

- 1406 (2) ~~contain more than 15 dwelling units or guest units;~~
- 1407 (3) ~~be served by a water meter greater than two inches in diameter;~~
- 1408 ~~or~~
- 1409 (4) ~~be served by a building sewer main greater than four inches in~~
- 1410 ~~diameter.]~~
- 1411 (B) A customer shall construct a wastewater manhole [~~or mini-manhole~~]
- 1412 at the customer's expense.
- 1413 [~~(C) A customer required by Subsection (A) to install a control manhole~~
- 1414 ~~shall install the manhole at the customer's expense as part of the~~
- 1415 ~~customer's plumbing system. A control manhole must be accessible~~
- 1416 ~~to the utility at all times to allow maintenance of the wastewater~~
- 1417 ~~service connection, discharge sampling, flow monitoring, and~~
- 1418 ~~inspection.]~~
- 1419 ([~~D~~]C) A wastewater manhole [~~, mini-manhole, or control manhole~~]
- 1420 constructed under this section must conform to standards and
- 1421 specifications approved by the director.

1422 **PART 41.** Section 15-10-223 (*Alternate Construction*) of the City Code is

1423 amended to read:

1424 **§ 15-10-223** [~~ALTERNATE CONSTRUCTION~~] **LARGE DIAMETER**

1425 **CLEANOUT REQUIRED.**

- 1426 (A) [~~The director may approve the construction of a control manhole or~~
- 1427 ~~mini-manhole instead of a wastewater manhole if the director~~
- 1428 ~~determines that the installation of a control manhole or mini-manhole~~
- 1429 ~~provides the utility with sufficient access to maintain the wastewater~~
- 1430 ~~service connection, monitor flow, sample building discharge, and~~
- 1431 ~~conduct an inspection.] A customer shall construct a large diameter~~
- 1432 cleanout on the sewer system of a building, structure, facility, or
- 1433 installation, built or modified to discharge wastewater required to be
- 1434 permitted under this chapter.
- 1435 (B) If installed on the City's side of the wastewater service connection,
- 1436 the large diameter cleanout constructed must conform to standards
- 1437 and specifications of the City's Utilities Criteria Manual.

1438 (C) If installed on the private side of the wastewater service connection,  
1439 the large diameter cleanout constructed must conform to standards  
1440 and specifications of the City's Plumbing Code.

1441 (D) A large diameter cleanout constructed under this section must be  
1442 approved by the director.

1443 **PART 42.** Section 15-10-224 (*Ownership and Maintenance*) of the City Code is  
1444 amended to read:

1445 **§ 15-10-224 OWNERSHIP AND MAINTENANCE.**

1446 (A) A customer shall own and maintain a [~~control manhole~~] large  
1447 diameter cleanout located on the private side of the wastewater service  
1448 connection.

1449 (B) The City shall own and maintain a wastewater manhole [~~or mini-~~  
1450 ~~manhole~~] or large diameter cleanout located on the City's side of the  
1451 wastewater service connection when:

1452 (1) construction is completed;

1453 (2) the City accepts the wastewater manhole [~~or mini-manhole~~] or  
1454 large diameter cleanout; and

1455 (3) the customer pays all inspection fees.

1456 (C) A customer may access a [~~mini-manhole~~] large diameter cleanout to  
1457 sample, maintain or inspect a building sewer.

1459 **PART 43.** Section 15-10-225 (*Dedication of Wastewater Manhole*) of the City  
1460 Code is amended to read:

1461  
1462 **§ 15-10-225 DEDICATION OF WASTEWATER MANHOLE OR LARGE**  
1463 **DIAMETER CLEANOUT.**

1464 A customer shall:

1465 (1) deliver to the utility a bill of sale, assignment, or other instrument of  
1466 transfer for the dedication of a wastewater manhole or [~~mini-manhole~~]  
1467 large diameter cleanout located on the City's side of the wastewater  
1468 service connection; and

1469 (2) assign to the City any warranties, guarantees, maintenance bonds, or  
1470 assurances of performance related to a wastewater manhole or [~~mini-~~  
1471 ~~manhole~~] large diameter cleanout located on the City's side of the  
1472 wastewater service connection.

1473 **PART 44.** Section 15-10-226 (*Sampling Port or Control Manhole*) of the City  
1474 Code is amended to read:

1475 **§ 15-10-226** [~~SAMPLING~~] **SAMPLE PORT** [~~OR CONTROL MANHOLE~~]  
1476 **REQUIRED.**

1477 (A) A person discharging or proposing to discharge wastewater  
1478 [~~containing prohibited waste to the POTW~~] required to be permitted  
1479 under this chapter shall install, operate and maintain a [~~sampling~~]  
1480 sample port [~~or control manhole~~].

1481 (B) A person shall install, operate, and maintain a sample port in a manner  
1482 satisfactory to the director.

1483 (~~[B]~~[C]) A person shall locate a [~~sampling~~] sample port [~~or control manhole~~] at  
1484 or near the property line as approved by the director.

1485 (~~[C]~~[D]) A person shall locate a [~~sampling~~] sample port [~~or control manhole~~]  
1486 on:

1487 (1) a common building drain line connected to the sanitary sewer;

1488 (2) each drain line connected to the sanitary sewer, if the property  
1489 has more than one drain line; or

1490 (3) a drain line installed for collection of representative samples.

1491 (~~[D]~~[E]) A person shall submit plans for construction of a [~~sampling~~] sample  
1492 port [~~or control manhole~~] to the director for review and approval  
1493 before construction.

1494 (~~[E]~~[F]) A person shall operate and maintain a [~~sampling~~] sample port [~~or~~  
1495 ~~control manhole~~] in compliance with the manufacturer's  
1496 specifications. in compliance with the manufacturer's specifications.

1497 (~~[F]~~[G]) A person shall allow the director access to a [~~sampling~~] sample port  
1498 [~~or control manhole~~] for inspection, sampling, flow monitoring, and  
1499 enforcement of this chapter.

1500 **PART 45.** Section 15-10-227 (*Sample Port Required for Wastewater Manhole*) of  
1501 the City Code is amended to read:

1502

1503 **§ 15-10-227** [~~SAMPLE PORT REQUIRED FOR WASTEWATER~~  
1504 ~~MANHOLE~~] **ALTERNATE CONSTRUCTION.**

1505 [~~The director may require a customer to install a sample port constructed in~~  
1506 ~~compliance with the requirements of this chapter if the customer discharges~~  
1507 ~~pollutants required to be permitted under this chapter]~~ The director may approve a  
1508 wastewater manhole or large diameter cleanout as a sample port if installed in a  
1509 location suitable to collect representative samples consistent with the purposes of  
1510 this chapter.

1511

1512 **PART 46.** Section 15-10-271 (*Notice of Violation*) of the City Code is amended to  
1513 read:

1514

1515 **§ 15-10-271 NOTICE OF VIOLATION.**

1516 (A) The director may serve a written or verbal notice of violation on a  
1517 person the director determines has violated or is violating:

1518 (1) this chapter;

1519 (2) the conditions of a permit or order issued under this chapter; or

1520 (3) other pretreatment standard or requirement.

1521 (B) A notice of violation shall describe the violation and [~~state that, no~~  
1522 ~~later than the 14th day after receipt of the notice,]~~ instruct the person  
1523 to take immediate corrective action to prevent a recurrence of the  
1524 offense. A notice of violation may state that, no later than the date  
1525 specified by the director, a person must provide to the director [with]  
1526 an explanation of the violation and a plan for the [satisfactory  
1527 correction and prevention, including specific actions for correction]  
1528 specific actions to be taken to satisfactorily correct and prevent any  
1529 recurrence of the violation.

1530 (C) A person who submits a proposed corrective plan under this section is  
1531 not relieved of criminal or civil liability for a violation of this chapter.  
1532 Nothing in this section shall limit the authority of the director to take  
1533 any action, including emergency actions or any other enforcement  
1534 action, without first issuing a notice of violation.

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**PART 47.** Section 15-10-303 (*Affirmative Defense for Failure to Repair Wastewater Leak*) of the City Code is repealed.

**PART 48.** Section 15-10-311 (*Publication of Non-Compliant Users List*) of the City Code is amended to read:

**§ 15-10-311 PUBLICATION OF NON-COMPLIANT USERS LIST.**

(A) In this section, significant noncompliance for significant industrial users means those acts described in the following Subdivisions (1) through (8) of this subsection; for all other users other than significant industrial users, significant noncompliance means those acts described in the following Subdivisions (3), (4), and (8) of this subsection [means]:

(1) chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of [wastewater] all the measurements taken for a the same pollutant parameter taken during a six month period exceed by any [amount] magnitude [the daily maximum limit or average limit for the pollutant parameter] a numeric pretreatment standard or requirement, including instantaneous limits;

(2) technical review criteria violations, defined here as those in which 33 percent or more of wastewater measurements taken for [the] each pollutant parameter during a six month period equals or exceeds the product of the [daily maximum limit or the average limit] numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the following criteria:

(a) 1.4 for biochemical oxygen demand, total suspended solids, fat, oil and grease; and

(b) 1.2 for other pollutants except pH;

(3) [discharge violations that the director believes have caused, alone or in combination with other discharges, interference or pass through;] any other violation of a pretreatment standard or requirement that the director determines has caused, alone or in combination with other discharges, interference or pass

1570 through, including endangering the health of POTW personnel  
1571 or the general public;

1572 (4) discharge of pollutants that has caused imminent endangerment  
1573 to the public or to the environment, or that otherwise has  
1574 resulted in the City's exercise of its emergency authority to halt  
1575 or prevent the discharge;

1576 (5) failure to meet, no later than the 90th day after the scheduled  
1577 date, a compliance schedule milestone contained in a permit or  
1578 enforcement order for starting construction, completing  
1579 construction, or otherwise attaining final compliance;

1580 (6) failure to provide no later than the 30th day after the due date, a  
1581 required report, including a baseline monitoring report, 90-day  
1582 compliance report, periodic self-monitoring report, and a report  
1583 on compliance with a compliance schedule;

1584 (7) failure to accurately report noncompliance; or

1585 (8) other violation, which may include a violation of best  
1586 management practices, that the director determines has or may  
1587 adversely affect the operation or implementation of the  
1588 pretreatment program.

1589 (B) The director shall annually provide public notice of [~~publish public~~  
1590 ~~notification in the largest daily newspaper published in the City~~] a list  
1591 of the users that the director has determined to be in significant  
1592 noncompliance with applicable pretreatment requirements during the  
1593 previous 12 months by publishing the list in a newspaper of general  
1594 circulation in the City or alternatively, with the Approval Authority's  
1595 permission, by means of electronic media intended to reach the largest  
1596 number of members of the general public in the City.

1597 **PART 49.** This ordinance takes effect on \_\_\_\_\_, 2020.

1598

1599 **PASSED AND APPROVED**

1600

1601 \_\_\_\_\_ §

1602 \_\_\_\_\_ §

1603 \_\_\_\_\_, 2020 § \_\_\_\_\_

1604 \_\_\_\_\_ Steve Adler  
1605 \_\_\_\_\_ Mayor

1606 **APPROVED:** \_\_\_\_\_  
1607 Anne L. Morgan  
1608 City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

