

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CITY CODE CHAPTER 15-10, RELATING TO
2 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 of the City Code is amended to delete
7 Definition (20)("Excess Wastewater"), renumber subsequent definitions, and amend
8 certain definitions to read as follows:

9 (B) In this chapter:

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

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

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

18 (ai) the officer of the corporation in charge of a principal business
19 function, or another person who performs similar policy or
20 decision making functions; or-

21 (bii) ~~the properly authorized manager of one or more manufacturing,~~
22 ~~production, or operation facilities with more than 250~~
23 ~~employees or gross annual sales or expenditures exceeding \$25~~
24 ~~million (in second quarter 1980 dollars).~~ the manager of one or
25 more manufacturing, production, or operating facilities,
26 provided that the manager is authorized: to make management
27 decisions governing the operation of the regulated facility,
28 including making major capital investment recommendations;
29 to initiate and direct other comprehensive measures to assure
30 long-term environmental compliance with environmental laws
31 and regulations; to establish necessary systems or take actions
32 to gather complete and accurate information for control

1 mechanism requirements; and to sign documents on behalf of
2 the corporation.

3 (b) If the user is a partnership or sole proprietorship, the authorized
4 representative must be a general partner or the proprietor,
5 respectively.

6 (c) If the user is a federal, state, or local government facility, the
7 authorized representative must be a director or the highest official
8 appointed or designated to oversee the operation and performance
9 of the activities of the government facility, or their designee.

10 (d) A representative who meets the requirements of paragraphs (a), (b)
11 or (c) of this Subsection may designate another person as a duly
12 authorized representative if the designation is in writing and in a
13 form acceptable to the director, provided the authorization specifies
14 the individual or position responsible for the overall operation of
15 the facility from which the discharge originates or having overall
16 responsibility for environmental matters for the company.

17 (5) ~~BEST MANAGEMENT PRACTICE means a schedule of activities,~~
18 ~~prohibition of practices, maintenance procedures, and other~~
19 ~~management practices to prevent or reduce the amount of pollution~~
20 ~~discharged to the POTW, including:~~

21 ~~(a) a treatment requirement;~~

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

23 ~~(c) a practice to control plant site runoff, spillage or leaks, sludge~~
24 ~~or waste disposal, or drainage from raw material storage.~~

25 PRACTICES or BMPs means schedules of activities, prohibitions of
26 practices, maintenance procedures, and other management practices to
27 achieve compliance with Sections 15-10-21 (*General Prohibition*
28 *Against Discharge*) and 15-10-22 (*Specifically Prohibited Pollutants*)
29 of the Code. BMPs also include treatment requirements, operating
30 procedures, and practices to control plant site runoff, spillage or leaks,
31 sludge or waste disposal, or drainage from raw materials storage.

32 (19) DRAINAGE WATER means storm water; surface water; ground
33 water; roof run-off water; drainage from downspouts; water from yard
34 drains; water from fountains and ponds; water from lawn sprays,
35 rainwater leaders, and areaways; and overflows from cisterns and

1 water tanks; ~~swimming pool water; and swimming pool filter~~
2 ~~backwash water.~~

3 ~~(3332)~~ INDUSTRIAL WASTE means liquid waste and a waterborne
4 liquid, gaseous, or solid substance, ~~excluding sewage discharged from~~
5 ~~sanitary conveniences that is not commingled with wastewater~~
6 ~~containing industrial waste~~, discharged or disposed of from an
7 industrial, manufacturing, trade or commercial establishment,
8 including a nonprofit organization, governmental agency or business
9 activity.

10 ~~(3433)~~ INSTANTANEOUS MAXIMUM ALLOWABLE LIMIT means
11 the maximum concentration or loading of an allowable pollutant,
12 determined from the analysis of a discrete or composite sample
13 collected independent of the industrial flow rate and the duration of a
14 sampling event.

15 **PART 2.** Section 15-10-22 of the City Code is amended to read:

16 **§ 15-10-22 SPECIFICALLY PROHIBITED POLLUTANTS.**

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

- 19 (1) other waste, as defined in this chapter;
- 20 (2) a flammable or explosive liquid, solid, or gas, and similar substance that
21 could create a fire or explosive hazard in the collection system or the
22 POTW, including a waste stream with a closed-cup flashpoint of less than
23 140 degrees Fahrenheit (60 degrees Centigrade), tested in accordance with
24 40 CFR 261.21;
- 25 (3) a pollutant regulated under a categorical pretreatment standard promulgated
26 by EPA in a concentration or amount exceeding allowable limits;
- 27 (4) a substance causing heat in the POTW at a temperature of 120 degrees
28 Fahrenheit (48.9 degrees Centigrade) or higher, or at a temperature that
29 inhibits biological activity in the POTW if the discharge causes interference,
30 or an increase in the temperature of the influent to a treatment plant to 104
31 degrees Fahrenheit (40 degrees Centigrade) or higher;
- 32 (5) garbage other than comminuted garbage;

- 1 (6) wastewater containing a noxious or malodorous liquid, gas, solid, or
2 substance that, independently or interactively creates a public nuisance, or
3 hazard to public health and safety, or prevents entry into the sanitary sewer
4 for maintenance or repair;
- 5 (7) a pollutant that result in the presence of toxic gases, vapors, or fumes within
6 the POTW in a quantity or concentration that creates a danger to public
7 health or safety;
- 8 (8) an acid, alkali, or substance with a pH value lower than 6.0 or higher than
9 11.5 standard units, or that corrodes or damages the POTW;
- 10 (9) petroleum oil, non-biodegradable cutting oil, or a product of mineral oil
11 origin in an amount that causes interference or pass through;
- 12 (10) waste containing a prohibited pollutant trucked or hauled from its point of
13 origin, except as approved by the director;
- 14 (11) waste removed from a pretreatment facility or private sewage facility, except
15 at discharge points designated by the director;
- 16 (12) phenol or a similar substance in concentrations that produce odor or taste in
17 the POTW's receiving waters, if the receiving waters are used as drinking
18 water;
- 19 (13) wastewater containing radioactive materials in concentrations greater than
20 allowed by current regulations of the Texas Department of Health or other
21 agency of competent jurisdiction;
- 22 (14) a solid or viscous pollutant in a quantity or concentration that could obstruct
23 the flow in the POTW or result in a sanitary sewer overflow or interference;
- 24 (15) a pollutant or oxygen demanding pollutant discharged at a flow rate or
25 concentration that could interfere with the POTW, or is not treatable;
- 26 (16) a pollutant, dye water, vegetable tanning solution, whole blood, or a
27 substance that causes untreatable color in the POTW effluent;
- 28 (17) medical wastes, except as authorized by permit;
- 29 (18) sludge, screenings or other residues from the pretreatment of industrial waste
30 or other prohibited waste, except as authorized by the director;

- 1 (19) wastewater containing pollutants that cause the POTW effluent to fail a
2 toxicity test;
- 3 (20) waste containing detergent, a surface active agent, or a substance that could
4 cause excessive foaming in the POTW or its effluent;
- 5 (21) wastewater causing a single meter reading of more than ten percent of the
6 lower explosive limit on an explosion hazard meter;
- 7 (22) antifreeze or a coolant solution used in a vehicle or motorized equipment;
- 8 (23) an enzyme, chemical, or other agent that allows fat, oil, grease or a solid to
9 pass through a pretreatment facility;
- 10 (24) drainage water;
- 11 (25) ground water;~~and~~
- 12 (26) drainage water or ground water contaminated by a prohibited pollutant,
13 except as specifically authorized in this chapter; and
- 14 (27) swimming pool water or swimming pool filter backwash water, except as
15 specifically authorized in this chapter.

16 **PART 3.** Section 15-10-23 of the City Code is amended to read:

17 **§ 15-10-23 LIMIT ON DISCHARGE OF FAT, OIL OR GREASE.**

- 18 (A)– Except as authorized by this chapter, a person may not discharge fat, oil,
19 grease, or similar material to the POTW in excess of an instantaneous
20 ~~maximum allowable~~ limit of 200 milligrams per liter.
- 21 (B)– ~~If necessary to protect the POTW or sanitary sewer, the director may issue a~~
22 ~~permit, order, or rule that assigns the limits on discharge of fat, oil, grease, or a~~
23 ~~similar substance as:~~
- 24 (1) ~~instantaneous maximum allowable limits;~~
- 25 (2) ~~daily average limits;~~
- 26 (3) ~~daily maximum limits;~~
- 27 (4) ~~monthly average limits; or~~

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

2 **§ 15-10-30 TOTAL TOXIC ORGANICS.**

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

6 **PART 7.** Section 15-10-42 of the City Code is amended to read:

7 **§ 15-10-42 EXCEPTIONS TO CATEGORICAL PRETREATMENT STANDARDS.**

- 8 (A) ~~The director may impose equivalent concentration or mass limits in~~
9 ~~accordance with 40 CFR 403.6(e) if a pretreatment standard is expressed~~
10 ~~only in terms of either pollutant mass or concentration in wastewater. Where~~
11 ~~a categorical pretreatment standard is expressed only in terms of either the~~
12 ~~mass or the concentration of a pollutant in wastewater, the director may~~
13 ~~impose equivalent concentration or mass limits in accordance with sections~~
14 ~~15-10-42(F) and 15-10-42(G).~~
- 15
- 16 (B) ~~The director shall impose an alternate limit using the combined waste stream~~
17 ~~formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard~~
18 ~~is mixed with wastewater not regulated by the same standard. When the~~
19 ~~limits in a categorical Pretreatment Standard are expressed only in terms of~~
20 ~~mass of pollutant per unit of production, the director may convert the limits~~
21 ~~to equivalent limitations expressed either as mass of pollutant discharged per~~
22 ~~day or effluent concentration for purposes of calculating effluent limitations~~
23 ~~applicable to individual industrial users.~~
- 24
- 25 (BC) The director shall impose an alternate limit using the combined waste
26 stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment
27 standard is mixed with wastewater not regulated by the same standard.
- 28
- 29 (CD) The director may grant a variance to a person subject to a categorical
30 pretreatment standard if the person proves under 40 CFR 403.13 that factors
31 relating to the person's discharge are fundamentally different from the
32 factors considered by EPA in developing the categorical pretreatment
33 standard.
- 34
- 35 (DE) The director may grant an adjustment to a person subject to a categorical
36 pretreatment standard under 40 CFR 403.15.

1
2 (F) When a categorical pretreatment standard is expressed only in terms of
3 pollutant concentrations, an industrial user may request that the director
4 convert the limits to equivalent mass limits. The determination to convert
5 concentration limits to mass limits is within the discretion of the director.
6 The director may establish equivalent mass limits only if the industrial user
7 meets all the conditions set forth in sections 15-10-42(F)(1)(a) through 15-
8 10-42(F)(1)(e) below.
9

10 (1) To be eligible for equivalent mass limits, the industrial user must:
11

- 12 (a) employ, or demonstrate that it will employ, water conservation
13 methods and technologies that substantially reduce water use
14 during the term of its individual wastewater discharge permit;
15
16 (b) currently use control and treatment technologies adequate to
17 achieve compliance with the applicable categorical pretreatment
18 standard, and not have used dilution as a substitute for
19 treatment;
20
21 (c) provide sufficient information to establish the facility's actual
22 average daily flow rate for all wastestreams, based on data from
23 a continuous effluent flow monitoring device, as well as the
24 facility's long-term average production rate. Both the actual
25 average daily flow rate and the long-term average production
26 rate must be representative of current operating conditions;
27
28 (d) not have daily flow rates, production levels, or pollutant levels
29 that vary so significantly that equivalent mass limits are not
30 appropriate to control the discharge; and
31
32 (e) have consistently complied with all applicable categorical
33 pretreatment standards during the period prior to the industrial
34 user's request for equivalent mass limits.
35

36 (2) An industrial user subject to equivalent mass limits must:
37

- 38 (a) maintain and effectively operate control and treatment
39 technologies adequate to achieve compliance with the
40 equivalent mass limits;
41

1 (b) continue to record the facility's flow rates through the use of a
2 continuous effluent flow monitoring device;

3
4 (c) continue to record the facility's production rates and notify the
5 director whenever production rates are expected to vary by
6 more than 20 percent from its baseline production rates
7 determined in paragraph 15-10-42(F)(1)(c) of this section.
8 Upon notification of a revised production rate, the director will
9 reassess the equivalent mass limit and revise the limit as
10 necessary to reflect changed conditions at the facility; and

11
12 (d) continue to employ the same or comparable water conservation
13 methods and technologies as those implemented pursuant to
14 paragraphs 15-10-42(F)(1)(a) of this section so long as it
15 discharges under an equivalent mass limit.

16
17 (3) When developing equivalent mass limits, the director:

18
19 (a) will calculate the equivalent mass limit by multiplying the
20 actual average daily flow rate of the regulated process or
21 processes of the industrial user by the concentration-based
22 Daily Maximum and Monthly Average Standard for the
23 applicable categorical pretreatment standard and the appropriate
24 unit conversion factor;

25
26 (b) upon notification of a revised production rate, will reassess the
27 equivalent mass limit and recalculate the limit as necessary to
28 reflect changed conditions at the facility; and

29
30 (c) may retain the same equivalent mass limit in subsequent
31 individual wastewater discharge permit terms if the industrial
32 user's actual average daily flow rate was reduced solely as a
33 result of the implementation of water conservation methods and
34 technologies, and the actual average daily flow rates used in the
35 original calculation of the equivalent mass limit were not based
36 on the use of dilution as a substitute for treatment pursuant to
37 section 15-10-25. The industrial user must also be in
38 compliance with section 15-10-27 regarding the prohibition of
39 bypass.
40

1 (G) The director may convert the mass limits of the categorical pretreatment
2 standards in 40 CFR Parts 414, 419, and 455 to concentration limits for
3 purposes of calculating limitations applicable to individual industrial users.
4 The conversion is at the discretion of the director.

5
6 (H) Once included in its permit, the industrial user must comply with the
7 equivalent limitations developed in this section 15-10-42 in lieu of the
8 promulgated categorical standards from which the equivalent limitations
9 were derived.

10
11 (I) Many categorical pretreatment standards specify one limit for calculating
12 maximum daily discharge limitations and a second limit for calculating
13 maximum monthly average, or 4-day average, limitations. Where such
14 standards are being applied, the same production or flow figure shall be used
15 in calculating both the average and the maximum equivalent limitation.

16
17 (J) Any industrial user operating under a permit incorporating equivalent mass
18 or concentration limits calculated from a production-based standard shall
19 notify the director within two (2) business days after the user has a
20 reasonable basis to know that the production level will significantly change
21 within the next calendar month. Any user not notifying the director of such
22 anticipated change will be required to meet the mass or concentration limits
23 in its permit that were based on the original estimate of the long term
24 average production rate.

25
26 **PART 8.** Section 15-10-44 of the City Code is amended to read:

27 **§ 15-10-44 LOCAL LIMITS.**

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

	Pollutant	Milligrams per Liter
31		
32	(1) Arsenic, Total (T)	0.2
33	(2) Cadmium (T)	0.4
34	(3) Chromium (T)	0.4
35	(4) Copper (T)	1.1

1	(5)	Cyanide (T)	1.0
2	(65)	Fluoride (T)	65.0
3	(76)	Lead (T)	0.4
4	(87)	Manganese (T)	6.1
5	(98)	Mercury (T)	0.002
6	(109)	Molybdenum (T)	1.1
7	(110)	Nickel (T)	1.6
8	(121)	Selenium (T)	1.8
9	(1312)	Silver (T)	1.0
10	(1413)	Zinc (T)	2.3

11
12 **PART 9.** Section 15-10-45 of the City Code is repealed.

1 **PART 10.** Section 15-10-46 of the City Code is renumbered and amended to read:

2 **§ 15-10-465 COMPLIANCE DETERMINATION; ASSIGNMENT OF LIMITS.**

3 (A) The director may determines compliance with the local limits, the total
4 cyanide limit, or the total toxic organics limit based on the analysis of:

5 (1) a grab sample; or

6 (2) a combination of grab samples, time composite samples, or flow
7 composite samples.

8 (B) If necessary to protect the POTW or sanitary sewer, the director may issue a
9 permit, order, or rule that assigns the local limits, the total cyanide limit, the
10 total toxic organics limit or the limitation on the discharge of fat, oil, grease
11 or similar material as:

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

13 (2) daily average limits;

14 (3) daily maximum limits;

15 (4) monthly average limits;

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

17 (6) mass limits in accordance with section 15-10-47 of this chapter.

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23
24 **PART 11.** The City Code is amended to add a new Section 15-10-47, to read:

25 **§ 15-10-47 ASSIGNMENT OF EQUIVALENT MASS LIMITS FOR LOCAL**
26 **LIMITS, TOTAL CYANIDE, TOTAL TOXIC ORGANICS OR FAT, OIL OR**
27 **GREASE**

28
29 (A) The director may impose mass limitations instead of the concentration limits
30 in section 15-10-23, 15-10-29, 15-10-30, or 15-10-44 on an industrial user to
31 prevent or discourage the use of dilution to meet applicable pretreatment
32 standards or requirements, or in other cases when the imposition of mass
33 limitations is deemed appropriate by the director. A mass local limit
34 imposed on an industrial user under these circumstances is intended to be

1 equivalent to or more restrictive than the concentration based limit in section
2 15-10-23, 15-10-29, 15-10-30, or 15-10-44.

3
4 (B) An industrial user may request that the director convert the concentration
5 limits to equivalent mass local limits based on substantial water conservation
6 by the user. The determination to convert concentration limits to mass local
7 limits for a qualifying industrial user is at the discretion of the director.
8 Industrial users that meet all the conditions set forth in sections 15-10-
9 47(B)(1) through 15-10-47(B)(5) below could qualify for mass limits.

10
11 (1) To be eligible for equivalent mass limits for concentration based
12 limits under these circumstances, the industrial user must:

13
14 (a) employ, or demonstrate that it will employ, water conservation
15 methods and technologies that substantially reduce water use
16 during the term of its individual wastewater discharge permit;

17
18 (b) currently use control and treatment technologies adequate to
19 achieve compliance with applicable pretreatment standard, and
20 not have used dilution as a substitute for treatment;

21
22 (c) provide sufficient information to establish the facility's flow
23 rates, based on data from flow monitoring devices or verifiable
24 estimates, as well as the facility's long-term average production
25 rate. Both the average daily flow rate and the long-term average
26 production rate must be representative of current operating
27 conditions;

28
29 (d) not have daily flow rates, production levels, or pollutant levels
30 that vary so significantly that equivalent mass limits are not
31 appropriate to control the discharge; and

32
33 (e) have consistently complied with the applicable pretreatment
34 standard during the period prior to the industrial user's request
35 for the equivalent mass limit specified.

36
37 (2) An industrial user subject to equivalent mass limits must:

38
39 (a) maintain and effectively operate control and treatment
40 technologies adequate to achieve compliance with the
41 equivalent mass limits;

1 **(b) continue to record the facility's flow rates through the use of a**
2 **flow monitoring device or verifiable estimate approved by the**
3 **director;**

4
5 **(c) continue to record the facility's production rates and notify the**
6 **director whenever production rates are expected to vary by**
7 **more than 20 percent from its baseline production rates,**
8 **determined in paragraph 15-10-47(B)(1)(c) of this section.**
9 **Upon notification of a revised production rate, the director will**
10 **reassess the equivalent mass limit and revise the limit as**
11 **necessary to reflect changed conditions at the facility; and**

12
13 **(d) continue to employ the same or comparable water conservation**
14 **methods and technologies as those implemented pursuant to**
15 **paragraphs 15-10-47(B)(1)(a) of this section, so long as it**
16 **discharges under an equivalent mass limit.**

17
18 **(3) When developing equivalent mass limits, the director:**

19
20 **(a) will calculate the equivalent mass limit by multiplying the**
21 **average daily flow rate of the industrial user by the applicable**
22 **concentration-based limit and the appropriate unit conversion**
23 **factor;**

24
25 **(b) upon notification of a revised production rate, will reassess the**
26 **equivalent mass limit and recalculate the limit as necessary to**
27 **reflect changed conditions at the facility; and**

28
29 **(c) may retain the same equivalent mass limit in subsequent**
30 **individual wastewater discharge permit terms if the industrial**
31 **user's average daily flow rate was reduced solely as a result of**
32 **the implementation of water conservation methods and**
33 **technologies, and the average daily flow rates used in the**
34 **original calculation of the equivalent mass limit were not based**
35 **on the use of dilution as a substitute for treatment pursuant to**
36 **section 15-10-25. The industrial user must also be in**
37 **compliance with section 15-10-27 regarding the prohibition of**
38 **bypass.**

39
40 **(d) The director will not assign a mass limit for a local limit that**
41 **exceeds the mass allocated to the industrial user when the local**

1 limit for the pollutant was last calculated. The director will
2 verify that any mass limit assigned will not permit pollutant
3 discharges above the maximum allowable influent loading for
4 the POTW that receives the waste.

5
6 (C) Once included in its permit, the industrial user must comply with the
7 equivalent mass limits developed in this section in lieu of the concentration
8 limits in sections 15-10-23, 15-10-29, 15-10-30, or 15-10-44 from which the
9 mass limits were derived.
10

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

12 **§ 15-10-53 PERMIT REQUIRED.**

13 (A) A person must obtain a permit from the director before discharging
14 wastewater containing industrial waste or other prohibited waste to the POTW.
15

16 **PART 13.** Subsection (C) of Section 15-10-58 of the City Code is amended to read:

17 **§ 15-10-58 SLUG CONTROL PLAN.**

18 (C) ~~At least every two years, the~~ The director shall determine if a significant
19 industrial user has sufficient systems and procedures to prevent slug discharges. This
20 determination shall be documented and the results of the determination shall be available
21 to the approval authority upon request. The director shall require a significant industrial
22 user to develop and implement a slug control plan under this article if the director finds a
23 risk to the POTW exists.

24 **PART 14.** Section 15-10-61 of the City Code is amended to read:

25 **§ 15-10-61 MASS LIMITATIONS ON POLLUTANTS AUTHORITY TO ASSIGN**
26 **OTHER LIMITS.**

27 ~~The director may~~ If necessary to protect the POTW or sanitary sewer or to prevent
28 interference or pass through, the director may issue a permit, order, or rule that assigns or
29 imposes limits on the mass or concentration of any pollutant discharge, ,s if necessary to:

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

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

1 **PART 15.** Section 15-10-91 of the City Code is amended to read:

2 **§ 15-10-91 DISCHARGE PERMIT REQUIRED**

3
4 A person may not deposit or discharge wastewater containing industrial waste or
5 other prohibited waste to the POTW without a permit.

6
7 **PART 16.** Subsection (B) of Section 15-10-92 is amended to read:

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

- 9 (1) name, title, address, and telephone number of the authorized
10 representative for the applicant;
- 11 (2) description or address of the location;
- 12 (3) description of the activity and process conducted at the location;
- 13 (4) description of the facility at the location;
- 14 (5) nature and characteristics of the proposed discharge;
- 15 (6) a list of raw materials and chemicals used or stored at the location that
16 may be discharged to the POTW, intentionally or accidentally;
- 17 (7) type, amount, process, and rate of product produced;
- 18 (8) type and amount of raw materials processed, including the daily
19 average and daily maximum;
- 20 (9) a copy of the site, floor, mechanical, and plumbing plans that show
21 sewers, floor drains, and pretreatment facilities by size, location,
22 elevation, and points of origin;~~and~~
- 23 (10) time and duration of discharge; and
- 24 (11) the location for monitoring all wastes to be covered by the permit.

1 **PART 17.** Section 15-10-93 is amended to read:

2 **§ 15-10-93 TRANSFER OF EXISTING PERMIT.**

3 (A) ~~A person assuming ownership, occupancy, or management of a premises~~
4 ~~covered by an existing permit shall apply for a transfer of the existing permit~~
5 ~~no later than the 30th day before the proposed transfer. The director may~~
6 ~~transfer a wastewater discharge permit to a new owner or operator of a~~
7 ~~wastewater discharge facility only if the permittee gives advance notice to~~
8 ~~the director and the director approves the wastewater discharge permit~~
9 ~~transfer. The notice must include written certification by the new owner or~~
10 ~~operator that:~~

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

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

14 (3) ~~acknowledges full responsibility for complying with the existing~~
15 ~~individual wastewater discharge permit.~~

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

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

18 (a) ~~complies with the application requirements of this section; and~~

19 (b) ~~pays the permit transfer fee; and~~

20 (2) ~~the discharge from the permitted premises complies with the~~
21 ~~requirements of this chapter at the time of the transfer. Failure to~~
22 ~~provide advance notice of a transfer renders the individual wastewater~~
23 ~~discharge permit void as of the date of facility transfer.~~

24 (C) ~~A person assuming ownership, occupancy, or management of a currently~~
25 ~~permitted premises shall file an application for a transfer of the permit with~~
26 ~~the director on the form provided by the director and pay a permit transfer~~
27 ~~fee. The director may approve the transfer of an existing permit if:~~

28 (1) ~~the new owner, occupant or manager complies with the notice~~
29 ~~requirements of this section; and~~

30 (2) ~~the discharge from the permitted premises complies with the~~
31 ~~requirements of this chapter at the time of the transfer.~~

- 1 (D) ~~An application for transfer of an existing permit must include:~~
- 2 (1) ~~name, title, address, and telephone number of the authorized~~
- 3 ~~representative for the applicant;~~
- 4 (2) ~~description or address of the location;~~
- 5 (3) ~~description of the activity and the process conducted at the location;~~
- 6 (4) ~~description of the facility at the location;~~
- 7 (5) ~~nature and characteristics of the proposed discharge;~~
- 8 (6) ~~a list of raw materials and chemicals used or stored at the location that~~
- 9 ~~may be discharged to the POTW, intentionally or accidentally;~~
- 10 (7) ~~type, amount, process, and rate of product produced;~~
- 11 (8) ~~type and amount of raw materials processed, including the daily~~
- 12 ~~average and daily maximum;~~
- 13 (9) ~~a copy of the site, floor, mechanical, and plumbing plans that show~~
- 14 ~~sewers, floor drains, and pretreatment facilities by size, location,~~
- 15 ~~elevation, and points of origin; and~~
- 16 (10) ~~time and duration of discharge.~~
- 17 (E) ~~A person assuming ownership, occupancy or management of a premises~~
- 18 ~~covered by an existing permit shall certify that there has been no material~~
- 19 ~~change in:~~
- 20 (1) ~~the equipment, facility or process used on the permitted premises; or~~
- 21 (2) ~~the character, quantity, rate of flow, or other characteristics of the~~
- 22 ~~discharge.~~
- 23 (F) The director may waive the permit notice and prior approval requirement for
- 24 the transfer of a permit issued to a user that is not a significant industrial
- 25 user.

1 **PART 18.** Section 15-10-94 is amended to read:

2 **§ 15-10-94 UPDATED DESIGNATION OF AUTHORIZED REPRESENTATIVE.**

3 ~~(A) A person holding a permit shall send written notification to the director~~
4 ~~identifying the authorized representative:~~

5 ~~(1) annually;~~

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

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

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

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

11 ~~(1) an individual; or~~

12 ~~(2) for a significant industrial user, a position having responsibility for the~~
13 ~~overall operation of the facility from which a discharge originates, or~~
14 ~~environmental matters.~~

15 ~~(D) If a change in personnel or policy requires a change to the authorized~~
16 ~~representative designation, a new designation under this section must be~~
17 ~~submitted to the director before or with a report required to be signed by an~~
18 ~~authorized representative.~~

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

24 **PART 19.** Section 15-10-98 is amended to read:

25 **§ 15-10-98 EXCEPTIONS TO PERMIT REQUIREMENT.**

26 A person that does not discharge wastewater that contains industrial waste or
27 other prohibited waste is not required to obtain a permit. The following may be exempt
28 from the requirement to obtain a permit for the following premises:

29 (1) a single family residence;

- 1 (2) a residential duplex; or
- 2 (3) a location that only discharges sewage. other locations where the director
- 3 has:
- 4 (a) determined that the discharge will not harm the POTW, or public
- 5 health or property;
- 6 (b) determined that the discharge is not subject to federal, state or local
- 7 pretreatment requirements; and
- 8 (c) determined that the discharge would not require any pretreatment,
- 9 management practices or other control strategies to comply with
- 10 all discharge limitations or pretreatment standards.

11 **PART 20.** Section 15-10-101 is amended to read:

12 **§ 15-10-101 ADDITIONAL CONDITIONS.**

13 The director may impose additional or more stringent conditions in a permit as

14 necessary to:

- 15 (1) prevent pass through or interference;
- 16 (2) protect the water quality of the POTW's receiving waters;
- 17 (3) protect public health and safety;
- 18 (4) facilitate proper sludge management and disposal;
- 19 (5) protect the POTW against damage;
- 20 (6) require self-monitoring, reporting and record keeping by a person
- 21 discharging wastewater to the POTW;
- 22 (7) provide access to a permitted facility to allow inspection, sampling, or
- 23 enforcement activities under this chapter;
- 24 (8) minimize wastewater treatment process expense;
- 25 (9) ensure POTW compliance with the NPDES or TPDES permits;
- 26 (10) protect ambient air quality; ~~and~~
- 27 (11) implement federal, state, and local pretreatment regulations; and

1 (12) incorporate requirements to control slug discharges, if determined by the
2 director to be necessary.

3 **PART 21.** Section 15-10-102 is amended to read:

4 **§ 15-10-102 PERMIT MODIFICATION.**

5 The director may modify a permit to:

- 6 (1) incorporate a new or revised federal, state, or local pretreatment standard or
7 requirement;
- 8 (2) regulate an alteration or addition to a person's operation, process or
9 wastewater volume or character of discharge;
- 10 (3) temporarily or permanently reduce or eliminate a previously authorized
11 discharge to implement a change in the POTW or sanitary sewer system;
- 12 (4) respond to a threat to the POTW, sanitary sewer, receiving waters, treatment
13 plant, or public health and safety caused by a discharge;
- 14 (5) correct, abate, or prevent a recurrence of a violation of a term or condition of
15 a permit;
- 16 (6) respond to a misrepresentation or failure to fully disclose relevant facts in a
17 permit application or a required report;
- 18 (7) revise or grant a variance from categorical pretreatment standards;
- 19 (8) correct a typographical, clerical or other ministerial error in the permit; ~~or~~
- 20 (9) reflect a transfer of a permitted facility to a new owner, occupant or
21 manager; or;
- 22 (10) incorporate any revised conditions, standards or requirements as consistent
23 with the purposes of this chapter.

24 **PART 22.** Section 15-10-111 is amended to read:

25 **§ 15-10-111 SIGNIFICANT INDUSTRIAL USERS.**

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

- 1 (1) a statement identifying:
 - 2 (a) the person holding the permit;
 - 3 (b) the premises from which the permitted discharge will be
4 emitted; and
 - 5 (c) the nature, characteristics, conditions, and limitations to the
6 permitted discharge;
- 7 (2) the period during which the permit is effective;
- 8 (3) a statement that the permit is non-transferable without the director's
9 approval;
- 10 (4) a requirement that the person holding the permit must provide a new
11 owner, operator, or manager of a permitted premises with a copy of
12 the permit;
- 13 (5) effluent limits, including best management practices, based on federal,
14 state, and local regulation;
- 15 (6) requirements for:
 - 16 (a) pretreatment;
 - 17 (b) self-monitoring;
 - 18 (c) sampling;
 - 19 (d) reporting;
 - 20 (e) notification; ~~and~~
 - 21 (f) ~~record keeping requirements, including identification of:~~
 - 22 (i) ~~pollutants to be monitored;~~
 - 23 (ii) ~~sampling locations;~~
 - 24 (iii) ~~sampling frequency; and~~
 - 25 (iv) ~~sample type;~~
- 26

1 (g) submitting a compliance schedule consistent with federal, state,
2 and local regulation, if applicable; and

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

5 (7) identification of:

6 (a) pollutants to be monitored;

7 (b) sampling locations;

8 (c) sampling frequency; and

9 (d) sample type; and

10 (g8) a statement of the civil, criminal, and administrative penalties for a
11 violation of pretreatment standards, or other requirements of this
12 chapter; ~~and~~

13 ~~(h) an applicable compliance schedule consistent with federal,~~
14 ~~state, and local regulation.~~

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

17 (1) a limit on:

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

19 (b) time of discharge;

20 (2) flow regulation and equalization requirements;

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

24 (4) requirements for:

25 (a) the installation of pretreatment and monitoring technology;

26 (b) the installation of pollution controls; or

1 (c) construction of an appropriate containment device designed to
2 reduce, eliminate, or prevent the introduction of pollutants into
3 the POTW;

4 ~~(65) development and implementation requirements for a slug control plan,~~
5 ~~including management practices necessary to adequately prevent~~
6 ~~accidental or unanticipated discharges; development and~~
7 ~~implementation requirements for a waste minimization plan to reduce~~
8 ~~the amount of pollutants discharged to the POTW;~~

9 (76) a statement of the management and treatment unit charge or schedule
10 of charges and fees for wastewater discharged to the POTW;

11 (87) installation and maintenance requirements for inspection and
12 sampling facilities and equipment; or

13 (98) a statement that the permit is subject to modification by the director in
14 accordance with this chapter.

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

20 (D) The director may designate a significant industrial user as a non-significant
21 categorical industrial user if the industrial user never discharges more than
22 100 gallons per day of total categorical wastewater (excluding sanitary, non-
23 contact cooling and boiler blowdown wastewater, unless specifically
24 included in the pretreatment standard) and the following conditions are met:

25 (1) the industrial user, prior to the director's finding, has consistently
26 complied with all applicable categorical pretreatment standards and
27 requirements;

28 (2) the industrial user submits at least one per calendar year the
29 certification statement required in Section 15-10-167 (*Periodic*
30 *Certification by Non-Significant Categorical Industrial Users*),
31 together with any additional information necessary to support the
32 certification statement; and

33 (3) the industrial user never discharges any untreated concentrated
34 wastewater.

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

3 **PART 23.** Section 15-10-121 of the City Code is amended to read:

4 **§ 15-10-121 SURCHARGE FOR EXTRA STRENGTH WASTEWATER.**

- 5 (A) A person discharging to the POTW either extra strength wastewater or
6 wastewater containing other pollutants for which unit charges have been
7 developed in accordance with subsection (M) of this section to the POTW
8 shall pay a monthly surcharge in addition to a usual monthly sewer service
9 charge.
- 10 (B) ~~The~~ Except as provided in subsection (M) of this section, the director shall
11 calculate the surcharge under this section using cost factors based on the
12 capital and operating cost of wastewater facilities necessary to treat extra
13 strength wastewater to reduce excessive biochemical oxygen demand,
14 chemical oxygen demand, and suspended solids.
- 15 (C) Except as provided in subsection (M) of this section, the director shall
16 compute the surcharge based on either the chemical oxygen demand or the
17 biochemical oxygen demand category formulas set out in this section.
- 18 (D) Abbreviations and numeric values in this section mean:
- 19 (1) S: surcharge in dollars that will appear on the customer's monthly
20 bills;
- 21 (2) V: wastewater billed in millions of gallons during the billing period;
- 22 (3) 8.34: pounds per gallon of water;
- 23 (4) A: unit charge in dollars per pound of biochemical oxygen demand;
- 24 (5) BOD: biochemical oxygen demand strength in milligrams per liter by
25 weight;
- 26 (6) 200 in the biochemical oxygen demand calculation in the biochemical
27 oxygen demand formula means normal biochemical oxygen demand
28 strength in milligrams per liter by weight;
- 29 (7) B: unit charge in dollars per pound for suspended solids;

- 1 (8) SS: suspended solids concentration in milligrams per liter by weight;
2 (9) 200 in the suspended solids calculation in the biochemical oxygen
3 demand and chemical oxygen demand formulas means normal
4 suspended solids concentration in milligrams per liter by weight;
5 (10) C: unit charge in dollars per pound for chemical oxygen demand;
6 (11) COD: chemical oxygen demand strength in milligrams per liter by
7 weight; and
8 (12) 450: Normal chemical oxygen demand strength in milligrams per liter
9 by weight.

- 10 (E) The director shall use the following biochemical oxygen demand category
11 formula to derive a surcharge for extra strength wastewater having a
12 chemical oxygen demand concentration of less than 2.25 times that of the
13 biochemical oxygen demand concentration: $S = V \times 8.34 (A [BOD - 200] +$
14 $B [SS - 200])$.
- 15 (F) The director shall use the following chemical oxygen demand category
16 formula to derive a surcharge for extra strength wastewater having a
17 chemical oxygen demand concentration of 2.25 or more times that of the
18 biochemical oxygen demand concentration: $S = V \times 8.34 (C [COD - 450] +$
19 $B [SS - 200])$.
- 20 (G) The Except as provided in subsection (M) of this section, the director may
21 not assess a surcharge for one or more categories if the strength or
22 concentration for biochemical oxygen demand, suspended solids or chemical
23 oxygen demand is lower than or equal to the normal strength wastewater for
24 that category.
- 25 (H) The director may periodically reevaluate a unit charge based on flow rate,
26 biochemical oxygen demand, chemical oxygen demand, and suspended
27 solids and adjust a surcharge to reflect an increase or decrease in wastewater
28 treatment and other applicable costs.
- 29 (I) The director may assess a surcharge against a person who discharges extra
30 strength wastewater to the POTW based on the person's site-specific
31 wastewater discharge quality and quantity data, or a surcharge classification
32 system.

- 1 (J) A person discharging wastewater to the POTW must notify the director of
2 major changes in operation that may affect the quantity or quality of
3 wastewater discharged. If the person does not notify the director of a change
4 that results in a lower surcharge, the director shall base the surcharge on the
5 data available to the director at the time the surcharge is billed.
- 6 (K) A person who discharges waste with a concentration of one or more
7 categories of biochemical oxygen demand, chemical oxygen demand or
8 suspended solids lower than or equal to normal strength wastewater is not
9 entitled to credit for the total surcharge assessed by the director.
- 10 (L) The director may periodically reevaluate flow rate, biochemical oxygen
11 demand, chemical oxygen demand or suspended solids data based on site-
12 specific discharge data or a classification system and adjust a specific user's
13 surcharge to reflect any change in the discharge.
- 14 (M) The director may develop other unit charges and calculate a surcharge for
15 wastewater using flow rates and strengths or concentrations for other
16 pollutants discharged to recover wastewater treatment and other applicable
17 costs as deemed necessary and appropriate.
- 18 (N) Payment of any surcharge under this section does not constitute a waiver of
19 any of the prohibited discharge standards in this chapter, nor does it relieve
20 any person from the obligation to meet all pretreatment requirements in this
21 chapter.

22 **PART 24.** Section 15-10-153 of the City Code is amended to read:

23 **§ 15-10-153 BASELINE MONITORING REPORT FROM EXISTING**
24 **CATEGORICAL USER.**

25 No later than the 180th day after the effective date of a categorical pretreatment
26 standard or the date of the final administrative decision on a category determination
27 under 40 CFR Section 403.6(a)(4), existing categorical users currently discharging or
28 scheduled to discharge to the POTW, shall submit a report to the director in compliance
29 with the requirements of Section 15-10-155 (~~Information Required From a Person~~
30 ~~Subject to Categorical Pretreatment Standards~~ *Information Required for Significant*
31 *Industrial User Reports*) conforming to the required methodologies of Section 15-10-182
32 (*Required Sample Collection Techniques*).

33 **PART 25.** Section 15-10-154 of the City Code is amended to read:

1 **§ 15-10-154 BASELINE MONITORING REPORT FROM NEW SOURCE**
2 **CATEGORICAL USER.**

3 (A) No later than the 90th day before beginning discharge, a new source user or
4 a source that becomes a significant industrial user after the promulgation of
5 a categorical pretreatment standard must submit a report to the director ~~in~~
6 compliance. Except as provided in subsections (B) and (C) of this section,
7 the report and sample collection techniques must comply with the
8 requirements of Section 15-10-155 (~~Information Required from a Person~~
9 ~~Subject to Categorical Pretreatment Standards~~ *Information Required for*
10 *Significant Industrial User Reports*) together with a report describing the
11 pretreatment method the user intends to use to meet applicable pretreatment
12 standards and Section 15-10-182 (*Required Sample Collection Techniques*).

13 (B) New source users shall give estimates of ~~information showing:~~

- 14 (1) ~~the measured average daily and maximum daily flow in gallons per~~
15 ~~day to the POTW from regulated process and other wastewater~~
16 ~~sufficient to allow calculation of streams as necessary to allow use of~~
17 ~~the combined waste stream formula set out in 40 CFR Section~~
18 ~~403.6(e);~~
- 19 (2) ~~measurement of pollutants;~~
- 20 (3) ~~identification of the categorical pretreatment standards applicable to~~
21 ~~the regulated process; and~~
- 22 (4) ~~the results of a sampling and analysis representative of daily~~
23 ~~operations:~~
- 24 (a) ~~performed in accordance with approved techniques set out in 40~~
25 ~~CFR Part 136; and~~
- 26 (b) ~~if required by an applicable pretreatment standard or the~~
27 ~~director, identifying the nature and concentration or mass of~~
28 ~~regulated pollutants in the discharge from the regulated process~~
29 ~~including:~~
- 30 (i) ~~instantaneous;~~
- 31 (ii) ~~daily maximum; and~~
- 32 (iii) ~~average concentration or mass.~~

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

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

7 **PART 26.** Section 15-10-155 of the City Code is amended to read:

8 **§ 15-10-155 INFORMATION REQUIRED FROM A PERSON SUBJECT TO**
9 **CATEGORICAL PRETREATMENT STANDARDS FOR SIGNIFICANT**
10 **INDUSTRIAL USER REPORTS.**

11 ~~Existing or new source categorical users shall submit the following:~~ The
12 information listed in paragraphs (1) through (11) of this section shall be submitted to the
13 director ~~in~~ for the reports required under Sections 15-10-153 and 15-10-154 of this
14 article. The information listed in paragraphs (5) through (11) of this section shall be
15 submitted to the director for the reports required under Sections 15-10-157 and 15-10-158
16 of this article. Required information includes:

- 17 (1) the name and address of the facility;
- 18 (2) the name of the owner, operator, or manager of the facility;
- 19 (3) a list of environmental control permits held by or for the facility;
- 20 (4) a brief description of the nature, average rate of production, and standard
21 industrial classification or North American Industry Classification System
22 classification of the operation conducted by the user including a schematic
23 process diagram that indicates points of discharge to the POTW from the
24 regulated process;
- 25 (5) information showing the measured average daily and maximum daily flow
26 in gallons per day to the POTW from regulated process and ~~other~~
27 ~~wastewater sufficient to allow calculation of streams as necessary to allow~~
28 use of the combined waste stream formula set out in 40 CFR Section
29 403.6(e);
- 30 (6) measurement of pollutants;
- 31 (7) identification of the categorical pretreatment standards applicable to the
32 regulated process;

- 1 (8) ~~the results of a sampling and analysis~~ analytical data representative of daily
2 operations:
- 3 (a) ~~performed in accordance with approved techniques set out in 40 CFR~~
4 ~~Part 136; and approved methods. This shall include:~~
- 5 (a) identification of the nature and concentration or mass of regulated
6 pollutants in the discharge from the regulated process
- 7 (b) ~~if required by an applicable pretreatment standard or the director,~~
8 ~~identifying the nature and concentration or mass of regulated pollutants in~~
9 ~~the discharge from the regulated process including:~~
- 10 (i) instantaneous;
- 11 (ii) daily maximum; and
- 12 (iii) average concentration or mass;
- 13 (b) all sample records including:
- 14 (i) the date, exact place, method, and time of sampling and the
15 names of the person or persons taking the samples;
- 16 (ii) the dates analyses were performed;
- 17 (iii) who performed the analyses;
- 18 (iv) the analytical techniques/methods used; and
- 19 (v) the results of such analyses;
- 20 (9) ~~a statement reviewed by its authorized representative and certified to by a~~
21 ~~qualified technician indicating: in cases where the pretreatment standard~~
22 ~~requires compliance with a best management practice or pollution~~
23 ~~prevention alternative, the user must submit documentation required by~~
24 ~~director or the pretreatment standard necessary to determine the compliance~~
25 ~~status of the user;~~
- 26 (10) a statement reviewed by its authorized representative and certified to by a
27 qualified technician indicating:
- 28 (a) that the user meets pretreatment standards on a consistent basis; or

1 (b) if the user does not meet pretreatment standards, additional operation
2 and maintenance or additional pretreatment necessary to meet the
3 pretreatment standards and requirements; and

4 (4011) a compliance schedule, if applicable.

5 **PART 27.** Subsection B of Section 15-10-157 of the City Code is amended to read:

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

7 ~~(1) information showing the measured average daily and maximum daily~~
8 ~~flow in gallons per day to the POTW from a regulated process and~~
9 ~~other wastewater sufficient to allow calculation of alternate limits~~
10 ~~using the combined waste stream formula set out in 40 CFR Section~~
11 ~~403.6(e);~~

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

13 ~~(3) identification of the categorical pretreatment standards applicable to~~
14 ~~the regulated process;~~

15 ~~(4) the results of a sampling and analysis representative of daily~~
16 ~~operations:~~

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

19 ~~(b) if required by an applicable pretreatment standard or the~~
20 ~~director, identifying the nature and concentration or mass of~~
21 ~~regulated pollutants in the discharge from the regulated process~~
22 ~~including:~~

23 ~~(i) instantaneous;~~

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

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

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

28 ~~(a) that the user meets pretreatment standards on a consistent basis;~~
29 ~~or~~

1 (b) ~~if the user does not meet pretreatment standards, additional~~
2 ~~operation and maintenance or pretreatment necessary to meet~~
3 ~~the pretreatment standards and requirements.~~

4 shall include the information required in Section 15-10-155 (*Information*
5 *Required for Significant Industrial User Reports*) using samples collected in
6 accordance with Section 15-10-182 (*Required Sample Collection*
7 *Techniques*).

8 **PART 28.** Section 15-10-158 of the City Code is amended to read:

9 **§ 15-10-158 PERIODIC REPORTS.**

- 10 (A) ~~A~~ Except as provided in subsection (H) of this section, a significant
11 industrial user subject to a pretreatment standard shall submit to the director
12 a written, signed and certified report.
- 13 (B) The report must be submitted at least twice each calendar year on the dates
14 specified by the director.
- 15 (BC) A report under this section shall include the information required in Section
16 15-10-155 (*Information Required From a Person Subject to Categorical*
17 *Pretreatment Standards for Significant Industrial User Reports*) and Section
18 15-10-182 (*Required Sample Collection Techniques*).
- 19 (CD) The director may require a person who generates waste discharged,
20 deposited or otherwise received for treatment at the POTW to report:
- 21 (1) the nature and concentration of pollutants in the discharge;
22 (2) the origin of the waste; and
23 (3) other information as the director considers necessary to identify and
24 process the waste or to protect the POTW.
- 25 (DE) If the director imposes mass limitations on an user under 40 CFR Section
26 403.6 (d), the user shall include the mass of pollutants in the user's discharge
27 regulated by the pretreatment standards in the periodic report required under
28 this section.
- 29 (EF) If the director has imposed equivalent mass or concentration limits on ~~an~~ a
30 user under 40 CFR Section 403.6 (c), the user shall include a reasonable

1 estimate of the user's long-term production rate in the periodic report
2 required under this section.

3 (~~FG~~) Users subject to categorical pretreatment standards expressed only in terms
4 of allowable pollutant discharge for each unit of production or other measure
5 of operation, shall include the user's actual average production rate for the
6 reporting period in the periodic report required in this section.

7 (H) Users that send electronic documents to the director to satisfy the
8 requirements of this section must certify and submit each report in
9 compliance with:

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

11 (2) all other procedures and requirements of an electronic document
12 receiving system authorized to accept such records in accordance with
13 40 CFR Part 3.

14 **PART 29.** Section 15-10-165 of the City Code is amended to read:

15 **§ 15-10-165 RECORDS RETENTION.**

16 ~~(A)~~ A person discharging wastewater containing industrial waste or other
17 prohibited waste to the POTW or disposing of waste off-site shall retain and make
18 available for inspection and copying by the director all records and information
19 required under this chapter, including documentation associated with best
20 management practices established under section 15-10-60 and all information
21 required under Article 8 of this chapter.

22 (A) Such records shall include for all samples:

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

25 (2) the dates analyses were performed;

26 (3) who performed the analyses;

27 (4) the analytical techniques and/or methods used; and

28 (5) the results of such analyses.

1 (B) Unless federal or state law requires information to be retained for a longer
2 period, a person shall retain records under this chapter for at least three years
3 from the date the record is created.

4 (C) The records retention period is automatically extended for:

5 (1) the duration of compliance litigation under this chapter; or

6 (2) a longer period set by an enforcement order issued under this chapter.

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

8 **§ 15-10-167 PERIODIC CERTIFICATION BY NON-SIGNIFICANT**
9 **CATEGORICAL INDUSTRIAL USERS.**

10 The authorized representative for a facility determined to be a Non-Significant
11 Categorical Industrial User by the director pursuant to Section 15-10-11(B)(62) must sign
12 the following certification as part of a periodic report submitted at least one per calendar
13 year to the director:

14 "Based on my inquiry of the person or persons directly responsible for managing
15 compliance with the categorical pretreatment standards under 40 CFR _____, I
16 certify that, to the best of my knowledge and belief that during the period from
17 _____ to _____, _____ [months, days, year]:

18 (A) The facility described as _____ [facility name] met the
19 definition of a Non-Significant Categorical Industrial User as described in
20 15-10-11(B)(62);

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

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

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

26 _____
27 _____
28 _____
29 _____."

30 **PART 31.** Section 15-10-182 of the City Code is amended to read:

1 **§ 15-10-182 REQUIRED SAMPLE COLLECTION TECHNIQUES.**

2 (A) ~~Except as otherwise provided in this section or by applicable federal, state,~~
3 ~~or local law, a person that discharges wastewater containing industrial waste~~
4 ~~or other prohibited waste must collect a wastewater sample using flow~~
5 ~~proportional composite collection techniques. a person must collect~~
6 wastewater samples using 24-hour flow-proportional composite sampling
7 techniques, unless time-proportional composite sampling or grab sampling is
8 authorized by the director. Where time-proportional composite sampling or
9 grab sampling is authorized by the director, the samples must be
10 representative of the discharge. Using protocols (including appropriate
11 preservation) specified in 40 CFR Part 136, multiple grab samples collected
12 during a 24-hour period may be composited prior to the analysis as follows:
13 for cyanide, total phenols, and sulfides the samples may be composited in
14 the laboratory or in the field; for volatile organics and oil and grease, the
15 samples may be composited in the laboratory. Composite samples for other
16 parameters unaffected by the compositing procedures may be authorized by
17 the director, as appropriate. In addition, grab samples may be required to
18 show compliance with instantaneous limits.

19 (B) ~~If the director determines that flow proportional sampling is not feasible, the~~
20 ~~director may authorize the use of:~~

21 ~~(1) time proportional sampling;~~

22 ~~(2) sampling of a minimum of four grab samples; or~~

23 ~~(3) other applicable approved sampling procedure provided that the~~
24 ~~procedure collects a representative sample of the discharged effluent.~~

25 Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides,
26 and volatile organic compounds must be obtained using grab collection
27 techniques.

28 (C) ~~A person shall use grab collection techniques to obtain samples of fat, oil,~~
29 ~~grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic~~
30 ~~chemicals. For sampling required in support of the reports required in~~
31 Sections 15-10-153 (*Baseline Monitoring Report from Existing Categorical*
32 *User*), 15-10-154 (*Baseline Monitoring Report from New Source*
33 *Categorical User*) and 15-10-157 (*Categorical Pretreatment Standard*
34 *Compliance*), a minimum of four (4) grab samples must be used for pH,
35 cyanide, total phenols, oil and grease, sulfide and volatile organic
36 compounds for facilities for which historical sampling data do not exist; for

1 facilities for which historical sampling data are available, the director may
2 authorize a lower minimum. For the reports required by Section 15-10-158
3 (Periodic Reports), the significant industrial user (Categorical or Non-
4 Categorical) is required to collect the number of grab samples necessary to
5 assess and assure compliance with applicable pretreatment standards and
6 requirements.

7 **PART 32.** Section 15-10-184 of the City Code is amended to read:

8 **§ 15-10-184 SAMPLING REQUIREMENTS.**

- 9 (A) A person shall use wastewater samples representative of actual discharge as
10 the basis of a periodic report filed with the director.
- 11 (B) A person shall maintain and operate wastewater monitoring and flow
12 measurement facilities in good working order. A user may not submit a
13 sample result that is not representative of an operation's discharge based on
14 the user's failure to keep its monitoring facility in good working order. A
15 user's failure to keep its monitoring facility in good working order shall not
16 be grounds for the user to claim that sample results are unrepresentative of
17 its discharge.
- 18 (C) A person subject to ~~categorical~~ reporting requirements under this article
19 shall include the results from all approved methods used to monitor a
20 pollutant in the periodic report to the director, including results obtained by
21 monitoring conducted more frequently than required by the director.

22 **PART 33.** Section 15-10-191 of the City Code is amended to read:

23 **§ 15-10-191 DEFINITIONS.**

- 24 (2) APPROVED LIQUID WASTE means liquid waste approved by the director
25 for disposal at an approved receiving station operated by the City including:
- 26 (a) septic tank waste;
- 27 (b) chemical toilet waste;
- 28 (c) waste activated sludge from facilities pre-approved by the director;
29 and
- 30 (d) other liquid waste approved by the director.

1 **PART 34.** Section 15-10-192 of the City Code is amended by adding new subsections
2 (C), (D), and (E) to read:

3 **§ 15-10-192 RESTRICTIONS ON DISCHARGE OF LIQUID WASTE.**

4 (C) A person shall adhere to all receiving station rules in conjunction with any
5 discharge of liquid waste to a city-owned or operated approved receiving
6 station.

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

11 (E) Except as provided in paragraphs (1) and (2) of this subsection, a person
12 discharging or disposing of liquid waste to a City owned or operated
13 approved receiving station shall only use vehicles with waste load tanks that
14 have never been used to collect or transport waste from a grit trap or hold-
15 haul tank, unless:

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

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

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

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

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

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

28 (3) discharges or disposes of liquid waste at a City owned or operated
29 approved receiving station ~~more than four days after the date of a~~
30 ~~manifest indicating receipt from a generator;~~ and:

31 (a) fails to comply with receiving station rules; or

1 (b) fails to obtain discharge authorization from the director or
2 receiving station attendant;

- 3 (4) transfers liquid waste without accurately documenting the transfer on
4 a manifest from:
- 5 (a) one vehicle to another;
- 6 (b) a mobile storage tank to a vehicle; or
- 7 (c) a fixed storage tank to a vehicle;
- 8 (5) discharges hazardous waste or liquid waste containing pollutants in
9 violation of federal, state, or local law;
- 10 (6) discharges waste from grease traps, grit traps, or hold haul tanks that
11 has been commingled with sewage, septic tank waste, activated
12 sludge, or chemical toilet waste to a City owned or operated approved
13 receiving station;
- 14 (7) discharges to the POTW or sanitary sewer liquid waste not
15 documented by a manifest as required by local and state health
16 regulations;
- 17 (8) possesses or presents a false manifest, chemical analysis, list of
18 industrial contributors, or other document to obtain approval for
19 discharge or disposal of liquid waste;
- 20 (9) discharges wastes from a grit trap, grease trap, or hold haul tank to:
- 21 (a) the POTW;
- 22 (b) the City's sanitary sewer system;
- 23 (c) the POTW's wholesale wastewater customers; or
- 24 (d) a City owned or operated approved receiving station;
- 25 (10) discharges hazardous waste at a receiving station not permitted to
26 receive hazardous waste under the RCRA;
- 27 (11) discharges liquid waste collected from one or more generators into a
28 service line, cleanout, sampling sample port, manhole, or other device
29 that discharges into the POTW and is owned or operated by a third
30 person;

- 1 (12) discharges grease trap waste, grit trap waste, or other liquid waste
2 removed from a grease trap or grit trap into the device from which it
3 was removed or any other device; or
- 4 (13) discharges grease trap waste, grit trap waste, or other liquid waste that
5 has been physically or chemically treated, separated, commingled
6 with other liquid waste, or otherwise altered, into a grease trap, grit
7 trap, or other device while or after the device is being serviced.
- 8 (14) discharges liquid waste at a City owned or operated approved
9 receiving station using a vehicle that has previously been used to
10 transport waste from a grit trap or hold haul tank without adequately
11 cleaning, verifying and demonstrating to the director that the vehicle
12 contained only approved liquid waste prior to the discharge.

13 **PART 36.** Subsection (A) of Section 15-10-197 of the City Code is amended to read:

- 14 (A) A person who discharges wastewater from a grease trap to the POTW shall:
- 15 (1) completely remove all fat, oil, or grease waste, other liquid waste,
16 semi-solid or solid and residue from the grease trap when the grease
17 trap is cleaned; ~~and~~
- 18 (2) clean the grease trap the earlier of:
- 19 (a) at least every ~~three months~~ ninety days; or
- 20 (b) when 50 percent or more of the wetted height of the grease trap,
21 as measured from the bottom of the grease trap to the invert of
22 the outlet pipe, contains grease and solids.
- 23 (3) use a liquid waste hauler permitted by the director to remove the
24 grease trap waste; and
- 25 (4) document the removal of the hauled liquid waste from the grease trap
26 using a manifest approved by the director.

27 **PART 37.** Subsection (A) of Section 15-10-198 of the City Code is amended to read:

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

- (1) completely remove all oil and grease waste, other liquid waste, semi-solid, or solid and residue from the grit trap when the grit trap is cleaned;
- (2) use a liquid waste hauler permitted by the director to remove the grit trap waste; and
- (3) document the removal of the hauled liquid waste from the grit trap using a manifest approved by the director.

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

ARTICLE 11. MANHOLE SEWER ACCESS REQUIREMENTS.

PART 39. Section 15-10-221 of the City Code is amended to read:

- (1) BUILDING TAP means the point of connection between a ~~building sewer main~~ private lateral and a wastewater service connection.
- (2) ~~CONTROL MANHOLE~~ means ~~an access into a building sewer located on private property at or near a building tap.~~
- (32) CUSTOMER means:
 - (a) a person provided with utility service by the City at a specified service address;
 - (b) an owner of property connected to the City's utility service at a specified service address; or
 - (c) a person who receives the benefit of the City's utility service.
- (3) LARGE-DIAMETER CLEANOUT means an access into a building sewer located at or near a building tap that would allow inspection and maintenance of the wastewater service connection.
- (4) PRIVATE LATERAL has the meaning prescribed by Section 15-11-2 (Definitions).
- (45) MINI-MANHOLE SAMPLE PORT means an access into the City sewer system located on a wastewater service connection either a public or private sewer system at a location that would allow inspection, flow monitoring and the collection of representative wastewater samples.

1 (56) WASTEWATER MANHOLE means an access into the City sewer system
2 located on a public sewer main.

3 (67) WASTEWATER SERVICE CONNECTION means that part of the City
4 sewer system extending from the building tap to the public sewer main.

5 **PART 40.** Section 15-10-222 of the City Code is amended to read:

6 **§ 15-10-222 MANHOLE REQUIRED.**

7 (A) A customer shall construct a wastewater manhole ~~on~~ connecting the sewer
8 system of a building, structure, facility, or installation ~~built or modified to:~~ in
9 compliance with the City's Utilities Criteria Manual.

10 (1) ~~discharge a pollutant required to be permitted under this chapter;~~

11 (2) ~~contain more than 15 dwelling units or guest units;~~

12 (3) ~~be served by a water meter greater than two inches in diameter; or~~

13 (4) ~~be served by a building sewer main greater than four inches in~~
14 ~~diameter.~~

15 (B) A customer shall construct a wastewater manhole ~~or mini-manhole~~ at the
16 customer's expense.

17 (C) ~~A customer required by Subsection (A) to install a control manhole shall~~
18 ~~install the manhole at the customer's expense as part of the customer's~~
19 ~~plumbing system. A control manhole must be accessible to the utility at all~~
20 ~~times to allow maintenance of the wastewater service connection, discharge~~
21 ~~sampling, flow monitoring, and inspection.~~

22 (DC) A wastewater manhole, ~~mini-manhole, or control manhole~~ constructed under
23 this section must conform to standards and specifications approved by the
24 director.

25 **PART 41.** Section 15-10-223 of the City Code is amended to read:

26 **§ 15-10-223 ~~ALTERNATE CONSTRUCTION~~ LARGE DIAMETER CLEANOUT**
27 **REQUIRED.**

28 (A) ~~The director may approve the construction of a control manhole or mini-~~
29 ~~manhole instead of a wastewater manhole if the director determines that the~~

1 ~~installation of a control manhole or mini manhole provides the utility with~~
2 ~~sufficient access to maintain the wastewater service connection, monitor~~
3 ~~flow, sample building discharge, and conduct an inspection. A customer~~
4 ~~shall construct a large diameter cleanout on the sewer system of a building,~~
5 ~~structure, facility, or installation, built or modified to discharge wastewater~~
6 ~~required to be permitted under this chapter.~~

7 (B) If installed on the City's side of the wastewater service connection, the large
8 diameter cleanout constructed must conform to standards and specifications
9 of the City's Utilities Criteria Manual.

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

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

1 **PART 42.** Section 15-10-224 of the City Code is amended to read:

2 **§ 15-10-224 OWNERSHIP AND MAINTENANCE.**

- 3 (A) A customer shall own and maintain a ~~control manhole~~ large diameter
4 cleanout located on the private side of the wastewater service connection.
- 5 (B) The City shall own and maintain a wastewater manhole ~~or mini-manhole~~ or
6 large diameter cleanout located on the City's side of the wastewater service
7 connection when:
- 8 (1) construction is completed;
- 9 (2) the City accepts the wastewater manhole ~~or mini-manhole~~ or large
10 diameter cleanout; and
- 11 (3) the customer pays all inspection fees.
- 12 (C) A customer may access a ~~mini-manhole~~ large diameter cleanout to sample,
13 maintain or inspect a building sewer.

14 **PART 43.** Section 15-10-225 of the City Code is amended to read:

15 **§ 15-10-225 DEDICATION OF WASTEWATER MANHOLE OR LARGE**
16 **DIAMETER CLEANOUT.**

17 A customer shall:

- 18 (1) deliver to the utility a bill of sale, assignment, or other instrument of transfer
19 for the dedication of a wastewater manhole ~~or mini-manhole~~ large diameter
20 cleanout located on the city's side of the wastewater service connection; and
- 21 (2) assign to the City any warranties, guarantees, maintenance bonds, or
22 assurances of performance related to a wastewater manhole ~~or mini-manhole~~
23 large diameter cleanout located on the City's side of the wastewater service
24 connection.

1 **PART 44.** Section 15-10-226 of the City Code is amended to read:

2 **§ 15-10-226 SAMPLING SAMPLE PORT OR CONTROL MANHOLE**
3 **REQUIRED.**

- 4 (A) A person discharging or proposing to discharge wastewater ~~containing~~
5 ~~prohibited waste to the POTW~~ required to be permitted under this chapter
6 shall install, operate and maintain a sampling sample port or control
7 manhole.
- 8 (B) A person shall install, operate, and maintain a sample port in a manner
9 satisfactory to the director.
- 10 (BC) A person shall locate a sampling sample port or control manhole at or near
11 the property line as approved by the director.
- 12 (CD) A person shall locate a sampling sample port or control manhole on:
13 (1) a common building drain line connected to the sanitary sewer;
14 (2) each drain line connected to the sanitary sewer, if the property has
15 more than one drain line; or
16 (3) a drain line installed for collection of representative samples.
- 17 (DE) A person shall submit plans for construction of a sampling sample port or
18 control manhole to the director for review and approval before construction.
- 19 (EF) A person shall operate and maintain a sampling sample port or control
20 manhole in compliance with the manufacturer's specifications. in
21 compliance with the manufacturer's specifications.
- 22 (FG) A person shall allow the director access to a sampling sample port or control
23 manhole for inspection, sampling, flow monitoring, and enforcement of this
24 chapter.

25 **PART 45.** Section 15-10-227 of the City Code is amended to read:

26 **§ 15-10-227 SAMPLE PORT REQUIRED FOR WASTEWATER MANHOLE**
27 **ALTERNATE CONSTRUCTION.**

28 ~~The director may require a customer to install a sample port constructed in compliance~~
29 ~~with the requirements of this chapter if the customer discharges pollutants required to be~~
30 ~~permitted under this chapter~~ The director may approve a wastewater manhole or large

1 diameter cleanout as a sample port if installed in a location suitable to collect
2 representative samples consistent with the purposes of this chapter.

3 **PART 46.** Section 15-10-271 of the City Code is amended to read:

4 **§ 15-10-271 NOTICE OF VIOLATION.**

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

7 (1) this chapter;

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

9 (3) other pretreatment standard or requirement.

10 (B) A notice of violation shall describe the violation and ~~state that, no later than~~
11 ~~the 14th day after receipt of the notice, instruct the person to take immediate~~
12 corrective action to prevent a recurrence of the offense. A notice of violation
13 may state that, no later than the 14th day after receipt of the notice, no later
14 than the date specified by the director-a person must provide to the director
15 with an explanation of the violation and a plan for the satisfactory correction
16 and prevention, including specific actions for correction-specific actions to
17 be taken to satisfactorily correct and prevent any recurrence of the violation.

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

23 **PART 47.** Section 15-10-303 is repealed.

24 **PART 48.** Section 15-10-311 of the City Code is amended to read:

25 **§ 15-10-311 PUBLICATION OF NON-COMPLIANT USERS LIST.**

26 (A) In this section, significant noncompliance is a term applicable to all
27 significant industrial users (or any other user that violates paragraphs (3), (4)
28 or (8) of this section), which means:

29 (1) chronic violations of wastewater discharge limits, defined here as
30 those in which 66 percent or more of wastewater all the measurements

1 taken for a the same pollutant parameter taken during a six month
2 period exceed (by any amount magnitude) the daily maximum limit or
3 average limit for the pollutant parameter a numeric pretreatment
4 standard or requirement, including instantaneous limits as defined in
5 Section 15-10-11;

- 6 (2) technical review criteria violations, defined here as those in which 33
7 percent or more of wastewater measurements taken for the each
8 pollutant parameter during a six month period equals or exceeds the
9 product of the daily maximum limit or the average limit numeric
10 pretreatment standard or requirement, including instantaneous limits,
11 as defined in Section 15-10-11, multiplied by the following criteria:
- 12 (a) 1.4 for biochemical oxygen demand, total suspended solids, fat,
13 oil and grease; and
- 14 (b) 1.2 for other pollutants except pH;
- 15 (3) discharge violations that the director believes have caused, alone or in
16 combination with other discharges, interference or pass through; any
17 other violation of a pretreatment standard or requirement as defined
18 by section 15-10-11(daily maximum, long-term average,
19 instantaneous limit, or narrative standard) that the director determines
20 has caused, alone or in combination with other discharges,
21 interference or pass through, including endangering the health of
22 POTW personnel or the general public;
- 23 (4) discharge of pollutants that has caused imminent endangerment to the
24 public or to the environment, or that otherwise has resulted in the
25 City's exercise of its emergency authority to halt or prevent the
26 discharge;
- 27 (5) failure to meet, no later than the 90th day after the scheduled date, a
28 compliance schedule milestone contained in a permit or enforcement
29 order for starting construction, completing construction, or otherwise
30 attaining final compliance;
- 31 (6) failure to provide no later than the 30th day after the due date, a
32 required report, including a baseline monitoring report, 90-day
33 compliance report, periodic self-monitoring report, and a report on
34 compliance with a compliance schedule;
- 35 (7) failure to accurately report noncompliance; or

