

CHAPTER 53: WASTEWATER PRETREATMENT

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GENERAL PROVISIONS

§ 53.001 PURPOSE.

This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City and enables the City to comply with all applicable state and federal laws required by the Clean Water Act, as amended, 33 USC 1251, et seq., and the General Pretreatment Regulations (40 CFR, Part 403). (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.002 OBJECTIVES.

The objectives of this chapter are to:

(A) Control or prevent the introduction of pollutants into the municipal wastewater system which may interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(B) Control or prevent the introduction of pollutants into the municipal wastewater system which do not receive adequate treatment in the POTW, and which may pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

(C) Improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(D) Control or prevent discharges or potential discharges (storage of materials) to systems or areas under the jurisdiction of this municipality that may impair the environment.

(E) Control or prevent the introduction of pollutants into the POTW which may cause the treatment plant to violate its NPDES Discharge Permit.

(F) Control or prevent the introduction of pollutants into the POTW which pose a health threat to POTW workers. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.003 POLICY; APPLICATION.

(A) This chapter provides for the regulation of direct contributors to the municipal wastewater system through the issuance of permits, execution of binding contracts, or enforcement of administrative regulations. This chapter also authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers capacity will not be preempted and provides for the setting of fees for the equitable distribution of cost resulting from the program established herein. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the POTW, or the costs associated with the construction of collection and treatment systems used by industrial dischargers in proportion to their use of the POTW, which are the subject of separate enactments.

(B) This chapter shall apply to the City and to persons outside the City who are by contract or agreement with the City, users of the Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the City Engineer/Utilities Director, or his or her designate, shall administer, implement and enforce the provisions of this chapter. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or **"THE ACT"**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

ALTERNATIVE DISCHARGE LIMIT. Limits set by the City in lieu of the promulgated National Categorical Pretreatment Standards, for integrated facilities in accordance with the combined wastestream formula as set by the EPA.

APPROVAL AUTHORITY. The Michigan Department of Environmental Quality (MDEQ) or the U.S. Environmental Protection Agency (EPA).

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

(1) In the case of a corporation, a president, secretary, treasurer, vice president of the corporation in charge of a principal business function;

(2) In the case of a partnership or proprietorship, a general partner or proprietor; and

(3) An authorized representative of the individual designated above if:

(a) Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;

(b) The authorization is in writing; and

(c) The written authorization is submitted to the POTW.

BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C., expressed in terms of weight per unit volume (milligrams per liter — mg/l).

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the POTW.

BYPASS. The intentional diversion of wastestreams from any portion of an Industrial users treatment facility.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standards as defined in CFR Part 400.

CITY. The City of Big Rapids or its Control Authority.

COD or CHEMICAL OXYGEN DEMAND. A measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMBINED WASTESTREAM. The wastestream at industrial facilities where regulated process effluent is mixed with other wastewater (either regulated or unregulated) prior to discharge.

COMPATIBLE POLLUTANT. The pollutants which are treated and removed to a substantial degree by the treatment works. These pollutants are biochemical oxygen demand, suspended solids, pH, fecal coliform, and phosphorus and its compounds.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

CONTROL AUTHORITY. The "Approval Authority" defined hereinabove; or the City Engineer/Utilities Director or his or her designate if the City has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

DILUTION. The reduction in strength or concentration of substances by the addition of water.

DIRECTOR. The Director of the Michigan Department of Environmental Quality.

DOMESTIC SOURCE. A source whose waste normally emanates from residential living units and results from the day-to-day activities usually considered to be carried on in a domicile.

EPA ADMINISTRATOR. The head of the U.S. Environmental Protection Agency.

EXTRA STRENGTH SEWAGE. Sewage containing pollutants or other material in excess of levels normally found in a domestic source.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

GOVERNMENTAL USER. Any Federal, State and local government user of the City system.

GRAB SAMPLE. A sample collected at a particular time and place.

HOLDING TANK WASTE. Any waste from holding tanks including but not limited to wastes from vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE or **DISCHARGE.** The introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL COST RECOVERY. Industrial Cost Recovery (ICR) may be defined as the cost recovered from industrial users of the treatment works of the grant amount allocable to the treatment of wastes from such users under Section 204(b) of P.L. 95217.

INDUSTRIAL USER or **USER.** Any person who introduces pollutants into a POTW from any nondomestic source regulated under the Act, state law or local ordinance.

INDUSTRIAL WASTES. The liquid wastes from industrial process as distinct from sanitary sewage.

INSTITUTIONAL USER. A school, hospital, church, nursing home, or like user.

INTEGRATED FACILITIES. Industrial facilities with a combined wastestream.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes (use or disposal) and thereby causes either a NPDES permit violation or prevents sewage sludge use or disposal in compliance with 40 CFR 403.3(i)(2).

LOCAL LIMITS. The concentration expressed in milligrams per liter, that users can not exceed when discharging any waste into the City's collection system. The Local Limits apply equally to all users. Local Limits will be established based on the results of an engineering evaluation of the wastewater collection and treatment facilities, and shall be approved by the Michigan Department of Environmental Quality before being enforced by the City of Big Rapids.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NEW SOURCE.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Any construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a "new source" as defined under this definition has commenced if the owner or operator has:

(a) Begun or caused to begin as part of a continuous on site construction program:

1. Any placement, assembly or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

NPDES PERMIT or NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT. The Clean Water Act, as amended by Public Law 92-500, prohibits any person from discharging pollutants into a waterway from a point source unless such discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved state agency.

OPERATION AND MAINTENANCE or O&M COSTS. All costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, equipment replacement and treatment and collection of wastewater necessary to insure adequate treatment and collection on a continuing basis in conformance with all applicable federal, state and local regulations.

PASS THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, may cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the

feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

POINT OF DISCHARGE. Any discernible, confined and discrete conveyance or vessel from which pollutants are or may be discharged into a public waterway or public sewer system.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or other contaminant.

POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or other process changes or means, except as prohibited by 40 CFR Section 403.6(d).

PRETREATMENT STANDARD or STANDARD. Any local, state or federal regulation containing pollutant discharge limits. This term includes local limits, prohibitive discharge limits including those promulgated under 40 CFR 403.5, and categorical pretreatment standards.

PRIORITY POLLUTANT. The EPA has determined that there are 127 toxic compounds that can reasonably be expected in the discharges from the 34 categorical industries. These are labeled "priority pollutants." Each industrial category by nature of their common processes can be expected to discharge certain compounds from the list of 127.

PROHIBITED DISCHARGES. Prohibited discharges are nondomestic user discharges which interfere with or pass through the treatment plant operations. They include but are not limited to the priority pollutants, hazardous materials, and certain characteristics of the water which interfere with the

treatment plant and/or collection system. They are defined as follows:

(1) Chemical compound which interferes with or passes through the treatment process.

(2) Materials which create a fire or explosion hazard in the sewers or treatment works, or which release poisonous gasses.

(3) Materials which obstruct the flow in the sewage collection and/or treatment system.

(4) Materials which will change the pH to highly acidic or alkaline.

(5) Water which increases the treatment influent to above 104° F. (40° C.).

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS or **POTW.** A treatment works as defined by Section 212 of the Act, (33 USC 1292) which is owned in this instance by the City. This includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the POTW.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

REGIONAL ADMINISTRATOR. The administrator of the regional office of the USEPA that has jurisdictional authority within the City of Big Rapids, or anyone designated by this person to act in his or her place.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property or damage to the treatment facilities which may cause them to become inoperable, or substantial and permanent loss of

natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

SEWAGE. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE WORKS. All facilities for the collection, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SEWER SERVICE CHARGES. A rate charged for providing wastewater collection and treatment service.

SIGNIFICANT INDUSTRIAL USER.

(1) Except as provided in division (2) of this definition, the term "Significant industrial user" means:

(a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) Upon a finding that an industrial user meeting the criteria in division (1)(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition receive from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE.

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) **TECHNICAL REVIEW CRITERIA** (or **TRC VIOLATIONS**, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under § 53.108 to halt or prevent such a discharge.

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE. The accumulated solids separated from liquids, such as water or wastewater, during processing.

SLUG. Any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION or **SIC.** A classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUPERINTENDENT. The person in charge of the POTW. The Superintendent shall be appointed by the City Engineer/Utilities Director, subject to the approval of the City Manager, and shall meet the minimum qualifications established by the Michigan Department of Environmental Quality.

SURCHARGE. An extra charge to cover the cost of treating, sampling and testing extra strength sewage.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by the wastewater treatment process.

TOTAL PETROLEUM HYDROCARBONS. Petroleum based portion of fats-oils-grease.

TOXIC POLLUTANT. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the CWA 307(a) or other Acts, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality or other Acts.

UPSET. An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set for in § 53.110 due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

U.S. EPA. The United State Environmental Protection Agency which assures the protection of

the environment by abating or controlling pollution on a systematic basis.

USER. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

USER CHARGE. The charge levied on users of the system for the cost of operation and maintenance of such work pursuant to Section 204b of P.L. 92-500, which charge shall also include cost of replacement.

USER CLASS. The kind of user connected to the sanitary sewers, including but not limited to, residential, industrial, commercial, institutional and governmental.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE. Waters of the State include:

(1) Both surfaces and underground waters within the boundaries of this state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

(2) The flood plain free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency.

(3) Any other waters specified by state law.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.005 ABBREVIATIONS.

For the purpose of this chapter, the following abbreviations shall apply:

ASTM American Society for Testing Materials

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
FOG	Fats, oil and grease
IPP	Industrial Pretreatment Program
MDEQ	Michigan Department of Environmental Quality
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations & Maintenance
O, M & R	Operation, Maintenance & Replacement
PIPP	Pollution Incidence Prevention Program
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SS	Suspended Solids
SWDA	Solid Waste Disposal Act, 42 USC 6901, et. seq.
TPH	Total Petroleum Hydrocarbons
TSS	Total Suspended Solids
ug/l	microgram per liter
USC	United States Code
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound
WEA	Water Environment Association

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.006 REMOVAL CREDITS.

Where applicable, the Authority may elect to initiate a program of removal credits as part of this chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR, Part 403.7.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.007 NET/GROSS CALCULATIONS.

The Control Authority may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the Industrial user's intake water, in accordance with 40 CFR, Part 403.15.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

DISCHARGE REGULATIONS**§ 53.015 GENERAL DISCHARGE PROHIBITIONS.**

No discharger shall contribute or cause to be contributed, directly or indirectly, any pollutant(s) which will pass through or cause interference with the operation or performance of the POTW or otherwise to the facilities of the City.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.016 SPECIFIC DISCHARGE PROHIBITIONS.

In addition to the general discharge prohibitions, the following specific pollutants shall not be introduced into the POTW or otherwise to the facilities of the City:

(A) Pollutants which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or the operation of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.

(B) Pollutants which will cause corrosive structural damage to the POTW, but in no case dischargers with pH lower than 6.0 or higher than 9.5.

(C) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash.

(D) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like) released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the POTW.

(E) Heat in amounts which may inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant

exceeds 40° C. (104° F.) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(F) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through.

(G) Pollutants which may result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, injure or interfere with any sewage treatment process, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(H) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(I) Any waters or sewage containing pollutant concentrations greater than those listed on the federal categorical pretreatment standards for a particular subcategory. If the federal standard is more stringent than limitations proposed under this chapter for sources in that subcategory, the federal standards shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

(J) Any wastewater containing any radioactive waste or isotopes of such half life or concentration as exceeds limits established by the Authority in compliance with applicable state or federal regulations.

(K) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations, or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions.

(L) Any discharge into the collection system or the wastewater treatment plant which contains any material in excess of the concentrations allowed by the Local Limits.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.017 PRETREATMENT REQUIREMENTS; NATIONAL CATEGORICAL STANDARDS ADOPTED BY REFERENCE.

Industrial users shall provide necessary wastewater treatment as required to comply with the most

stringent of limits found in this chapter, federal standards, state standards or permit [that] shall apply as established by the National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471[, which] are hereby incorporated into this chapter and made a part hereof. All Industrial users shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations, the local limits established by the City of Big Rapids and with any other pretreatment standards by applicable deadlines.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.018 NEW SOURCES.

New sources shall install and have in operating condition, and shall “start up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.019 PRETREATMENT FACILITIES.

Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pre-treatment facilities and operating procedures shall be submitted to the POTW for review, and shall be approved by the Superintendent of the POTW in writing before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this chapter and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the Superintendent of the POTW in writing prior to the industrial user's initiation of the changes

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.020 MODIFICATIONS TO PRETREATMENT STANDARDS.

(A) An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional

Administrator by the Authority, when the Authority's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

(B) The City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards per the procedures set forth in Section 403.7 (c)(2) of Title 40 of the Code of Federal Regulations, Part 403 — “General Pretreatment Regulations for Existing and New Sources of Pollution,” promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior written approval from the Approval Authority is obtained.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.021 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *State requirements.* State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal or local requirements and limitations.

(B) *Supplementary limitations — discharge limits - local limits.*

(1) No user shall discharge wastewater containing concentrations (and/or mass limitations) in excess of the following:

Material	Concentration (mg/l)
Conventional Pollutants	
Ammonia – N	64
BOD ₅	530
Total Suspended Solids	900
FOG	200
TPH	49
Total Phosphorus as P	36

Material	Concentration (ug/l)
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Nonconventional Pollutants/upper limits:

<u>METALS</u>	
Arsenic	60
Cadmium	90
Copper	950
Cyanide	130
Chromium, Total	2,700

Chromium, Hexavalent	300
Lead	570
Mercury	*(LOD)
Nickel	930
Selenium	150
Silver	43
Zinc	3,700

ORGANICS

1,4-Dichlorobenzene	24
Chloroform	50
Lindane	0.6
Benzene	24
Toluene	24
Ethyl Benzene	31
Xylenes, Total	44
Methylene Chloride	41
Tetrachloroethylene	5
Trichloroethylene	21
1,1,1- Trichloroethane	16

* The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following:

There shall be no detectable amounts of mercury discharged into the publicly owned treatment works (POTW). Mercury sampling procedures, preservation, handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The Level of Detection (LOD), developed in accordance with the procedure specified in 40 CFR 136 shall not be greater than 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

- (a) A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
- (b) A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and
- (c) A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure

in 40 CFR 136. Discharge-specific LOD's will be incorporated into the wastewater discharge permit of the nondomestic user.

(2) In addition to penalties for violating the ordinance for discharging wastewater containing concentrations (and/or mass limitations) in excess of the limits stated above, surcharges shall be assessed by the City for any conventional pollutant discharged to the POTW in excess of average domestic influent WWTP concentration according to the City Sewer User Charge System, § 54.12(A), subsection G, "Surcharges." Discharges of any pollutant may not exceed the stated limitation under any circumstance. Surcharges will be based on a pro rated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance to be treated annually.

(3) (a) The City's surcharge procedure shall include, on at least a semi-annual basis, composite sampling episodes of four consecutive days to determine the average concentration in mg/l of conventional pollutants from each non-domestic user. These average concentrations will be compared to the WWTP average domestic influent concentration for each parameter found under "Surcharge" in the City's User Charge System. When the user concentration exceeds the domestic background for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow used shall be the actual monthly flow. Example: the domestic background average concentration for total phosphorus is 5 mg/l. User A has an average domestic concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the monthly flow in millions of gallons * 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water, that would be 0.6 million gallons * 3 mg/l * 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51/pd = \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling episode.

(b) Each user subject to surcharges may be billed monthly or quarterly according to water usage or metered discharge. Sampling and analysis shall be performed by the City. A split of each sample shall be made available to each user upon written request.

(c) The City may obtain additional samples to verify a user's effluent parameters. Any surcharged

user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 347-2-94, passed 2-21-94; Am. Ord. 414-1-97, passed 1-20-97; Am. Ord. 493-05-02, passed 5-20-02; Am. Ord. 521-08-03, passed 8-18-03; Am. Ord. 545-05-05, passed 5-16-05)

Cross-reference:

For provisions regarding Mercury Reduction Plans, see Chapter 53, Appendix.

§ 53.022 DILUTION PROHIBITED.

No discharger shall increase the use of potable or process water, nor mix separate waste streams, nor in any other way dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.023 RIGHT OF REVISIONS.

The Control Authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in § 53.002.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.024 SPILL PREVENTION AND SLUG CONTROL PLANS.

Significant industrial users and all industrial/commercial users with the potential to discharge toxic substances or prohibited pollutants shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter by developing spill prevention programs.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.025 SPILL PREVENTION FACILITIES.

(A) Facilities necessary to implement these plans shall be provided and maintained at the

owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved in writing by the POTW before construction of the facility.

(B) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.026 SPILL PREVENTION PLANS.

The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including nonroutine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under §§ 53.015 and 53.016, with procedures for follow-up written notification within five days.

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.027 NOTIFICATION.

(A) *Accidental discharges.* In the case of any discharge in violation of this chapter or permit

conditions, and in the case of any discharge that may cause problems to the POTW, including any slug loadings, as defined by § 53.026, the industrial user shall immediately notify the POTW of the discharge by telephone at 796-8483. During the hours of 3:00 p.m. to 7:00 a.m., the industrial user shall call Central Dispatch at 796-4811. The notification shall include:

- (1) The date, time, location and duration of the discharge;
- (2) The type of waste including concentration and volume; and
- (3) Any corrective actions taken by the user.

(B) *Follow-up reports.* Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expenses, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(C) *Changed discharges.* All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(D) *Employee training.* The industrial user shall permanently post a notice in a prominent place advising all employees to notify the wastewater treatment plant at 796-8483 during normal business hours, or after hours call Central Dispatch at 796-4811, in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.028 RECORDS.

(A) Users shall retain and make available upon request of authorized representatives of the POTW, the State, or the EPA all records required to be collected by the user pursuant to this chapter or any permit or order issued pursuant to this chapter.

(B) These records shall remain available for a period of at least three years after their collection.

(C) This period shall be extended during any litigation concerning compliance with this ordinance or permit conditions. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.029 RECORDS RETENTION.

All dischargers subject to this chapter shall retain and preserve for not less than three years any

records, books, documents, memoranda, reports, correspondence, any and all summaries thereof, relating to monitoring, sampling, and chemical analysis made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.030 ANALYTICAL REQUIREMENTS.

All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.031 CONFIDENTIAL INFORMATION.

(A) Information and data (other than effluent data) about a user obtained from report, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(B) When the person furnishing a report satisfies the POTW that such person has made the demonstration required by division (A), the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this ordinance, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State or EPA

in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.032 RIGHT OF ENTRY.

Representatives of the POTW, the state and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this chapter. Industrial users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purposes of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, state and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable the authorized representatives of the POTW, State, and EPA to enter and inspect the premises as guaranteed by this section.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.033 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste with unusual strength or character may be accepted by the Authority for treatment, subject to payment therefore, by the industrial concern, unless prohibited by state or federal regulations.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.034 ALLOTMENT OF POTW CAPACITY.

(A) The wastewater collection and treatment facilities have finite limitations for accepting flow, concentrations, or mass loadings from present or future customers. Capacity may be reserved for properties that have paid for or are paying for sanitary sewer service even though no use is now being made of the system (vacant property within sewer authority). The Control Authority may deny or condition new or increased contributions of flow,

concentrations, or mass loadings where such contributions may in the opinion of the Control Authority cause the POTW to violate its NPDES permit.

(B) Excess capacity beyond that as reserved above will be allotted on a first-come basis determined by the date the application is received by the Authority, provided construction leading to the prompt completion is underway within two years of the date of approval for sewer service. Should construction not be underway, a subsequent application will be processed as above. Application dates will be as provided by the Control Authority and approval dates will be by the Control Authority. An incomplete application will be honored for 30 days after notification of requirements, provided positive continuous action is underway to obtain all appropriate requirements.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.035 BYPASSING.

The intentional diversion of wastestreams from any portion of an industrial user's treatment facility is prohibited unless:

(A) Bypassing is unavoidable to prevent loss of life, personal injury or severe property damage;

(B) There are no feasible alternatives to the bypass;

(C) Prior written notice is given to the City at least ten days in advance of the bypass, and the bypass does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

FEEES AND CHARGES

§ 53.040 PURPOSE.

The purpose of this section is to provide for the payment of fees from dischargers to the Authority's wastewater disposal system and to compensate the Authority for the cost of administration of the pretreatment program established in this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.041 CHARGES AND FEES.

The City shall adopt charges and fees which may include:

(A) Fees for monitoring, inspections, and surveillance procedures. (Note: This fee can be changed pursuant to a specification in permit or contract for administrative enforcement. It can optionally be included as an element of the user charge system.)

(B) Fees for permit applications.

(C) Fees for filing appeals.

(D) Fees for reviewing accidental discharge procedures.

(E) Fees for review of construction or related plans for additions or connections to the POTW.

(F) Fees for review of pretreatment plans, specifications and construction documents.

(G) Fees for special studies or continuous studies to evaluate pretreatment systems.

(H) Reimbursement for set-up and operating the Pretreatment Program.

(I) Other fees as the POTW may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the POTW. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

ADMINISTRATION

§ 53.050 WASTEWATER DISCHARGES.

It shall be unlawful for significant industrial users as defined in § 53.004 to discharge any wastewater to the POTW without a wastewater contribution permit except as authorized by the City Engineer/Director of Utilities in accordance with the provisions of this chapter. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.051 WASTEWATER CONTRIBUTION PERMITS.

(A) All significant industrial users (SIU's) proposing to connect to or to discharge sewage, industrial waste and other wastes into the POTW shall obtain a wastewater contribution permit before connecting to or discharging to the POTW. All existing SIU's connected to or discharging to the POTW shall obtain a wastewater contribution permit within 90 days after the effective date of this chapter.

(B) All existing SIU's planning a new, increased, or modified discharge shall obtain a new permit prior to initiation of operations of the new or modified facilities. An application for renewal of a permit which will expire shall be submitted 180 days prior to the expiration date and shall note any changes in the discharge since the issuance of the last Permit. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.052 PERMIT APPLICATION.

(A) All industrial users shall complete and file with the POTW, a permit application in the sequence hereby prescribed by the POTW and accompanied by the appropriate fee. Existing industrial users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to the POTW. No wastewater contribution permit shall be issued to any applicant unless and until the following information has been provided or the following conditions have been met, unless waived in writing by the Superintendent:

(1) Name, address and location (if different from the address) and name of owners and operator;

(2) Disclosure of Standard Industrial Classification (SIC) number according to the "Standard Industrial Classification Manual," Bureau of the Budget, 1972, as amended;

(3) A plan map of the building, works, or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwaters noted, described, and the waste stream identified. Air exhaust vents and rupture disks will also be noted when serving areas where potential problems exist. Contaminants that can accumulate on roofs from exhaust vents and can be flushed to the groundwater or sewers during a rain shall be noted.

(4) Detailed plans of treatment facilities; chemical or fuel storage areas; chemical use areas; and/or operational and support facilities that may affect waste control. Provide plans of plumbing and plans of inspection of sampling manholes. Provide plans for secondary containment at storage areas or large volume use areas to prevent sudden losses of materials from the plant to surface waters, groundwaters, storm sewers, or sanitary sewers.

(5) A report on raw materials entering the process or support systems, intermediate materials, final products, and waste byproducts as those factors may affect waste control. A material safety data sheet shall be provided for all materials used, stored, or discharged where brand names, product names or commercial names are listed.

(6) Information on each source of wastewater including:

(a) The amount of wastewater from each source;

(b) The amount of wastewater discharged at each location;

(c) A schedule of average daily flow, peak flow, peak flow rates, time and duration of flow variations and seasonal or monthly variations at each location;

(d) A statement of the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes;

(e) Wastewater constituents and characteristics including but not limited to those mentioned in §§ 53.016 and 53.021 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

(7) A statement on whether or not compliance is being achieved with this chapter on a continuing basis or whether additional equipment, operational changes, or maintenance activities are necessary for compliance with this chapter.

(8) Guidelines for prompt control of potential spills including equipment, materials, control procedures, cleanup procedures, personal protection required and requirements for notification of plant and government officials. Evaluate effects or potential losses in the sewer systems or other discharge systems.

(9) A schedule to sample, test, and file reports with the POTW and appropriate state agencies on appropriate characteristics of wastes at locations, and according to methods approved by the POTW.

(10) Place waste treatment facilities, process facilities, waste streams, storage facilities, transfer facilities, or other potential waste problems under the specific supervision and control of persons who have been designated by the owner and who have been accepted or certified by the POTW or the state as properly qualified to supervise such facilities.

(11) Manual(s) of instructions for operation and maintenance of waste control facilities, for loading and unloading of chemicals, for laboratory control, for other matters related to a pollution incident prevention plan, and for the training of personnel in the above areas of concern.

(12) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

(13) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the POTW, subject to approval.

(14) All permit applications for new or modified permits shall be signed by a principal executive officer of the discharger and, unless waived by the POTW, a qualified engineer (licensed professional). All renewal applications for existing permits or contracts shall be signed by a principal executive officer of the discharger.

(B) The POTW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the POTW may issue a wastewater contribution permit subject to terms and conditions provided herein.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.053 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat

wastewater to a level acceptable to the POTW shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, the POTW will review such plans and respond with suggested modifications within 30 days following plan submittal. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions of this chapter.

(B) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the POTW prior to the user's initiation of the changes.

(C) All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA and MDEQ upon request. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.054 CONSTRUCTION SCHEDULE.

Where additional pretreatment, secondary containment, and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment, secondary containment, and/or implementation of additional operation and maintenance activities.

(A) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or secondary containment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.

(B) Under no circumstance shall the POTW permit a time increment for any single step directed toward compliance which exceeds nine months.

(C) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a written

progress report to the POTW including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the POTW.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.055 PLAN REVIEW.

The POTW shall be provided with all plans, specifications, shop drawings, and operations and maintenance manuals for review and approval prior to initiation of construction for all secondary containment facilities, pretreatment facilities, and/or operational facilities required to comply with this chapter. The POTW may have the review completed by a competent engineering firm, and may charge such costs directly to the user, who shall pay said charges within 30 days of the date of billing by the City. Direct costs for review will be billed to the discharger regardless of whether construction is initiated or not.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.056 PERMIT MODIFICATION.

The POTW reserves the right to amend any wastewater contribution permit issued hereunder in order to assure compliance by the POTW with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of each discharger will be subject to such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the City as part of this chapter. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by § 53.051 the discharger shall apply for a wastewater contribution permit from the POTW within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, the discharger with an existing wastewater contribution permit shall resubmit to the POTW within 180 days after the promulgation of an applicable National Categorical Pretreatment

Standard the information required by § 53.051. The discharger shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.057 PERMIT CONDITIONS.

Wastewater contribution permits shall specify no less than the following:

(A) All wastewater contribution permits shall be issued for a three year duration, subject to amendment or revocation as provided in this chapter. A permit may be issued for a shorter or longer period or may be stated to expire on a specific date, however, permit duration shall not be longer than five years. The user shall apply for permit reissuance at least 180 days prior to the expiration of the user's existing permit.

(B) Wastewater contribution permits are issued for a specific process or operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior notification to the POTW and provision of a copy of the existing wastewater contribution permit to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The POTW may set additional conditions, such as an application requirement.

(C) Effluent limitations shall be based on applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits and state and local laws. If in establishing appropriate local limits by the POTW, it may become necessary, due to limited sampling points, to apply the combined wastestream formula, as provided in 40 CFR 403.6 (e)(4), to determine the most stringent limit.

(D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits and State and local law.

(E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(F) Fees and charges to be paid upon initial issuance.

(G) Limits on the average and maximum wastewater constituents and characteristics regulated thereby.

(H) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization.

(I) Requirements for installation and maintenance of inspection and sampling facilities.

(J) Compliance schedule.

(K) Special conditions as the POTW may reasonably require under particular circumstances of a given discharge including but not limited to sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.

(L) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter.

(M) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the POTW, and affording POTW access thereto.

(N) Requirements for notification of the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituent being introduced into the wastewater treatment system.

(O) Requirements for notification of slug discharges as per § 53.069.

(P) General and specific discharge prohibitions as established by §§ 53.015 and 53.016.

(Q) Other conditions as deemed appropriate by the POTW to ensure compliance with this chapter. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

REPORTING REQUIREMENTS**§ 53.065 BASELINE MONITORING REPORT FOR CATEGORICAL DISCHARGES.**

(A) Industrial users subject to National Categorical Pretreatment Standards shall submit baseline reports to the POTW in a form prescribed and furnished by the POTW.

(B) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), whichever is later, industrial users which are Existing Sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed Baseline Report.

(C) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a baseline report at least 90 days prior to commencement of discharge to the POTW.

(D) In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:

(1) Name and address of the facility including the name of operator and owners.

(2) List of any environmental control permits held by or for the facility.

(3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(a) Regulated process streams; and

(b) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e).

(5) The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:

(a) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.

(b) A minimum of four grab samples must be used for pH, cyanide, total phenols, FOG, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is not feasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

(c) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.

(d) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow the use of the combined wastestream formula of Section 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW.

(6) The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) measures or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.

(7) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user shall provide the shortest schedule which will provide such additional pretreatment or O&M. The

completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

(a) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the combined wastestream formula (40 CFR Section 403.6(e)), or net/gross calculations (40 CFR Section 403.15), at the time the industrial user submits a baseline report the information required in § 53.065(D)(5)(d), (6) and (7) shall pertain to the modified limits.

(b) If the National Categorical Pretreatment Standard for the industrial user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to information provided as a response to § 53.065 (D)(6) and (7) and submit them to the POTW within 60 days after the modified limit is approved.

(8) The following conditions shall apply to any schedule submitted in response to § 53.065(D)(7):

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like).

(b) No increment referred to in § 53.065 (D)(8)(a) shall exceed nine months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment to be met on such date and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.

(9) Such other information as may be required by 40 CFR 403.12(b) and as may be reasonably requested by the POTW. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.066 COMPLIANCE DATE REPORT.

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Categorical Pretreatment Standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.067 BYPASS REPORTING.

(A) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of divisions (B) and (C) of this section.

(B) (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notices to the POTW, if possible at least ten days before the date of bypass.

(2) An industrial user shall submit oral notice of unanticipated bypass that exceeds applicable Pretreatment Standards to the POTW within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case by case basis if the oral report has been received within 24 hours.

(3) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The industrial user submitted notices as requires by division (B)(1) of this section.

(C) The POTW may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in this section.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.068 CONTINUING COMPLIANCE REPORTS.

(A) Any user subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard or, in the case of a new discharger, after commencement of the discharge to the POTW, shall submit to the POTW during the months of June and December, unless required more frequently by the POTW, a report indicating the nature and concentration of prohibited or regulated

substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the POTW may accept reports of average and maximum flows estimated by verifiable techniques. The POTW for good cause when considering such factors as local high or low flow rates, holiday, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(B) The POTW may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by division (A) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(C) These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards.

(D) For industrial users subject to equivalent mass or concentration limits established by the POTW in accordance with the procedures in 40 CFR 403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the user's actual average production rate for the reporting period.

(E) Reports of significant industrial users shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the POTW. The frequency of monitoring by the discharger shall be as deemed necessary by the POTW to assess and assure compliance by the industrial user with applicable pretreatment standards and requirements.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.069 NOTIFICATION OF POTENTIAL PROBLEMS.

All industrial users shall notify the POTW immediately of all discharges that are or may be in violation of their wastewater contribution permit. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.070 NONCATEGORICAL DISCHARGERS.

(A) Significant noncategorical industrial users shall submit to the POTW during the months of March and September a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flow during the reporting period previously stated.

(B) Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the POTW may accept reports of average and maximum flows estimated by verifiable techniques. The POTW, for good cause when considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(C) Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the POTW. The frequency of monitoring by the discharger shall be as deemed necessary by the POTW to assess and assure compliance by the user with applicable pretreatment standards and requirements. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.071 CHANGED DISCHARGES.

All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR, 403.12(p). (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.072 HAZARDOUS WASTE REPORT.

(A) Any IU, except as specified in division (E) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the POTW in writing of such discharge.

(B) All hazardous waste notifications shall include:

(1) The name of the hazardous waste as set forth in 40 CFR part 261;

(2) The EPA hazardous waste number;

(3) The type of discharge (continuous, batch, or other); and

(4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(C) In addition to the information submitted in division (B) above, IU's discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the IU:

(1) An identification of the hazardous constituents contained in the waste;

(2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(D) IU's commencing the discharge of listed or characteristic hazardous wastes after the effective date of this chapter shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under § 53.071.

(E) IU's are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one time notification. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.073 SIGNATORY REQUIREMENTS.

(A) All reports required by this chapter shall include the certification statement as set forth in 40 CFR, Part 403.6(a)(2)(ii) and shall be signed by a responsible official of the user. The certification statement shall read as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

(B) **A RESPONSIBLE OFFICIAL OF THE USER** is as defined by 40 CFR 403.12(1) and as follows:

(1) If the industrial user submitting the reports required by 40 CFR 403.12 paragraphs (b), (d) and (e) is a corporation, a "responsible official" means:

(a) A president, secretary, treasurer or vice president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in first-quarter 2002 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) A general partner or proprietor if the industrial user submitting the reports required by 40 CFR 403.12 paragraphs (b), (d) and (e) is a partnership or sole proprietorship respectively.

(3) A duly authorized representative of the individual designated in divisions (B)(1) or (2) above if:

(a) The authorization is made in writing by the individual described in (B)(1) or (2) above.

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of well, or well field superintendent, or a position of equivalent responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the Control Authority.

(4) If an authorization under division (B)(3) above is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of division (B)(3) above must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.074 ANNUAL REPORTING BY THE POTW.

If requested by the Approval Authority, the POTW shall provide the Approval Authority with a report that briefly describes the POTW's program activities. The report shall be submitted no later than one year after approval of the POTW's pretreatment program, and at least annually thereafter, and shall include at a minimum the following:

(A) An updated list of industrial users including their names and addresses and a brief explanation identifying which industrial user is subject to Categorical Pretreatment Standards.

(B) A summary of the status of industrial user compliance over the reporting period.

(C) A summary of compliance and enforcement activities including inspections conducted by the POTW during the reporting period.

(D) Any other relevant information requested by the Approval Authority.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.075 SIGNATORY REQUIREMENTS BY THE CITY.

Reports submitted to the Approval Authority by the POTW must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the City. The reports and other documents required to be submitted shall be subject to:

(A) The provisions of 18 USC, Section 1001, relating to fraud and false statements;

(B) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification;

(C) The provisions of Section 309(c)(6) of the Act regarding responsible corporate officers. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

MONITORING, INSPECTIONS AND SURVEILLANCE

§ 53.085 MONITORING FACILITIES.

(A) Each discharger shall provide and operate at the discharger's own expense, a monitoring facility or location for inspection, sampling, and flow measurement of each sewer discharge to the POTW. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger. The POTW may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. Requests for installation on property not owned by the discharger shall be made in writing to the POTW. The POTW may accept, modify or reject the request and shall provide a written notification to the discharger of the action taken by the POTW.

(B) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(C) All monitoring facilities shall be constructed and maintained in accordance with all

applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a permit or contract by an existing discharger and prior to initiation of operations by a new discharger.

(D) The POTW may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the POTW, Control Authority, the Department of Environmental Quality, or their representatives, upon presentation of credentials or identification, to enter the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, records examination, or records copying. The POTW, Control Authority, Department of Environmental Quality, or their representatives, shall have the right to set up on the discharger's property, such devices as are or may be necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.086 SAMPLE ANALYSIS.

The reports required by §§ 53.065 through 53.075 shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. This sampling and analysis may be performed by the POTW in lieu of the industrial user. Where the POTW itself collects all the information required for the report, the significant industrial user will not be required to submit the report.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.087 SAMPLE FREQUENCY.

If sampling performed by an industrial user indicates a violation, the user shall notify the POTW immediately of becoming aware of the violation. The user shall also repeat the sampling and analysis and

submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the industrial user is not required to re-sample if:

(A) The POTW performs sampling at the industrial user at frequency of at least once per month; or

(B) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.088 MISCELLANEOUS SAMPLING.

If an industrial user subject to the reporting requirement in §§ 53.065 through § 53.075 monitors any pollutant more frequently than required by the POTW, using the procedures prescribed previously, the results of this monitoring shall be included in the report.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.089 CONFIDENTIAL INFORMATION.

(A) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and/or from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(B) When the person furnishing a report satisfies the POTW that such person had made the demonstration required by (A), the portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this chapter, the NPDES permit and pretreatment programs. Confidential portions of a report shall be available for use by the state or EPA in judicial

review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

Cross-reference:

Records, see § 53.028

Records retention, see § 53.029

ENFORCEMENT

§ 53.100 ENFORCEMENT ACTIONS.

(A) The POTW may for good cause suspend the wastewater treatment service, the water supply service, electrical service, and/or the wastewater contribution permit of a discharger when it appears to the POTW that an actual or threatened discharge presents or threatens:

- (1) A violation of the NPDES Permit;
- (2) An imminent or substantial danger to the health and welfare of persons;
- (3) An adverse impact to the environment;
- (4) Interference with the operation of the POTW;
- (5) Violation of any pretreatment limits imposed by this chapter; or
- (6) Violation of any pretreatment limits of any wastewater contribution permit issued pursuant to this chapter.

(B) Any discharger notified of the suspension of wastewater treatment service, the water supply service, the electrical service, and/or the wastewater contribution permit shall, within a period of time as determined by the POTW, cease all discharges or be subject to utility cutoff or sewer blockage by the POTW.

(C) It is the intent of this section to authorize the POTW to order in person, or by signed document, the immediate, but orderly shutdown of any operation, discharge, or facility, or any party thereof, for good cause shown. **ORDERLY SHUTDOWN** means consideration is to be given to protection of human safety and property of both the POTW and the discharger. It does mean that the responsible person for an offending discharge will immediately initiate

discussion with the POTW and will initiate the orderly actions required to stop the offending discharge and not wait for the next shift, weekend, or other convenient time. Orderly shutdown recognizes that consideration is to be given to the discharger for protection of human safety and for protection of equipment or property. For example, if the offending discharge source can be isolated, only that part of a facility need be shutdown. A discharge may need to be continued from a furnace or reaction vessel during cool-down to prevent injuries or damage. Reduced flows may be allowed, for example, to provide fire protection, refrigeration to protect food inventories, or to provide heat during the winter. Such consideration is not to be construed to relieve the discharger of any liability for damages caused before or during the orderly shutdown period.

(D) In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the POTW shall notify the Department of Environmental Quality and commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The POTW shall reinstate the wastewater contribution permit and/or the wastewater treatment service and terminate judicial proceedings upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the treatment as set forth above.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.101 REVOCATION OF PERMIT.

The POTW may revoke the permit of any discharger who fails to:

(A) Factually report the wastewater constituents and characteristics of its discharge;

(B) Report significant changes in wastewater constituents or characteristics;

(C) Provide reasonable access to discharger's premises by representatives of the POTW or the Department of Environmental Quality for the purpose of inspection or monitoring; or

(D) Violates the conditions of its permit or this chapter, or any final judicial order entered with respect thereto.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.102 NOTIFICATION OF VIOLATION; ADMINISTRATION ADJUSTMENT.

(A) Whenever the POTW finds that any discharger has engaged in conduct which justifies revocation of a wastewater contribution permit pursuant to § 53.101, the City shall serve or cause to be served upon such discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within ten continuous days of the date of receipt of the note, the discharger shall respond personally or in writing to the POTW advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.

(B) Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.103 CONSENT ORDERS.

The City Engineer/Utilities Director is hereby empowered to enter into Consent Decrees, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the City Engineer/Utilities Director and industry representatives. Consent Decrees shall have the same force and effect as administrative orders issued pursuant to § 53.105.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.104 SHOW CAUSE HEARING.

Where the violation of § 53.101 hereof is not corrected by timely compliance by means of administrative adjustment, the City may order any discharger which causes or allows conduct prohibited by § 53.101, to show cause before the City or its duly authorized representative why the proposed revocation action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the

enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the City or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings of the hearings shall be considered by the City which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or state law.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.105 COMPLIANCE ORDER.

When the POTW Superintendent finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and best management practices.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.106 CEASE AND DESIST ORDERS.

When the POTW Superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the POTW Superintendent may issue an order to cease and desist all illegal or unauthorized discharges immediately.

(A) In an emergency, the order to cease and desist may be given by telephone.

(B) In nonemergency situations, the cease and desist order may be used to suspend or permanently revoke industrial wastewater discharge permits.

(C) The cease and desist order may order the industrial user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation,

including halting operations and terminating the discharge.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.107 ADMINISTRATIVE FINES.

Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed the maximum allowable under state law (e.g., \$1,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the POTW Superintendent shall have other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the POTW Superintendent to reconsider the fine within ten calendar days of being notified of the fine. Where the POTW Superintendent believes a request has merit, he shall convene a hearing on the matter within 15 calendar days of receiving the request from the industrial user.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.108 EMERGENCY SUSPENSIONS.

(A) The POTW Superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(B) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the POTW Superintendent shall take such steps as deemed necessary, including immediate termination of water service or severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The POTW Superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in § 53.101 are initiated against the user.

(C) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Superintendent prior to the date of the hearing described in division (C) of this section.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.109 RIGHT OF APPEAL.

Any discharger or any interested party shall have the right to request, in writing, an interpretation or ruling by the Control Authority on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a wastewater contribution permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local or state law.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.110 OPERATING UPSETS.

(A) Any industrial user, which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or wastewater contribution permit issued pursuant hereto, shall inform the POTW immediately upon first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the POTW within five calendar days. The report shall specify:

(1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status;

(2) Duration of noncompliance, including exact dates and times of noncompliance; an estimate of the volume and strength of wastes discharged and if the noncompliance continues, the time by which compliance is reasonably expected to occur;

(3) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other conditions that may result in continued noncompliance.

(B) An **UPSET** means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial user. An "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(C) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of division (D) of this section are met.

(D) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause(s) of the upset.

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(3) The industrial user has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five calendar days):

(a) A description of the indirect discharge and cause of noncompliance.

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.111 JUDICIAL REMEDIES.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the POTW Superintendent, through the City Attorney, may

commence an action for appropriate legal and/or equitable relief in the 77th District Court or 49th Circuit Court for Mecosta County.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.112 INJUNCTIVE RELIEF.

Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the POTW Superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.113 ANNUAL PUBLICATION OF IU'S IN SIGNIFICANT NONCOMPLIANCE.

The POTW Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in § 53.004, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.114 AFFIRMATIVE DEFENSE.

Any user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in §§ 53.015 and 53.016 if it can demonstrate it met the conditions set forth in 40 CFR 403.5 (a)(2):

(A) The user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

(B) (1) A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with paragraph (c) of 40 CFR 403.5 for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

(2) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with paragraph (c) of 40 CFR 403.5 for the pollutant(s) that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.115 RECOVERY OF COSTS INCURRED BY THE CITY.

Any discharger violating any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City's stormwater or wastewater disposal system shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the discharger for any and all cost incurred by the City for any supervision, investigation, sampling, administration, cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of the City Charter and/or §§ 53.100 through 53.114. In addition to the foregoing, the charges which are made pursuant to this chapter are hereby made a lien on all premises served thereby. In case any bill, together with all penalties thereon, shall not be paid within six months of the date of which said bill is due and payable the delinquent bill and all penalties thereon shall be a lien on the premises served. The City Assessor shall then place such charges on the next general tax roll and the same shall be collected in the same manner and in all respects provided by law for the collection of taxes by the City.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.116 FALSIFYING INFORMATION.

No person shall knowingly make any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater contribution permit, or falsify, tamper with, or knowingly render inaccurate any

monitoring device or method required under this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.999 PENALTY.

(A) *Misdemeanor.* Any person who violates § 53.116 shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500, costs of not more than \$500, and jail of not more than 90 days.

(B) *Municipal Civil Infraction.* Any person or business who violates a provision of this chapter other than § 53.116, or an administrative order issued by the City in administering this chapter shall be responsible for a municipal civil infraction, and subject to a fine of up to \$1,000 and costs of up to \$500. Each day the violation occurs or continues constitutes a separate municipal infraction.

(C) *Civil Actions.* In addition to the actions and penalties provided in subsections (A) and (B), any person or business violating a provision of this chapter or an administrative order issued by the City in administering this chapter may be subject to a civil action and the imposition of a penalty of up to \$1,000 per violation, plus a penalty of double the economic gain made by continuing operations during a violation. The POTW may claim and recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including but not limited to the expenses of sampling, monitoring and analysis. The POTW Superintendent shall petition the Court to impose, assess and recover such sums. In determining the amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(D) *Authorized officials.* The POTW Superintendent and/or the City Engineer/Utilities Director, are authorized to issue municipal civil infraction citations for violations of the provisions of this chapter, and for violations of administrative orders issued by the City in administering this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 466-6-00, passed 6-5-00; Am. Ord. 493-05-02, passed 5-20-02)