

## CHAPTER FOUR. WATER AND SEWER

### PART 1. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS

#### 401.01 USE OF WATER OR SEWER SYSTEM RESTRICTED.

No person shall make or use any water or sewer service installation connected to the City water or sewer system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

#### 401.02 APPLICATIONS FOR SERVICE

**Subdivision 1. Procedure.** Application for a water or sewer service installation and for water service shall be made to the City Clerk on forms prescribed by the City Clerk and furnished by the City. By his signature, applicant shall agree to conform to this chapter and to rules and regulations that may be established by the City as conditions for the use of water.

**Subdivision 2. Fees or Deposit.** Application for a service installation shall be made by the owner of the property to be served or by his agent. The applicant shall at the time of making application pay to the City the amount of fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or his agent or by the tenant or occupant of the premises.

#### 401.03 CHARGES FOR SERVICE CONNECTION

**Subdivision 1. Permit and Fee.** No connection shall be made to the City water or sanitary sewer system without a permit received from the City Clerk. The fees for each water main connection permit and each sewer connection permit shall be as set by the City Council from time to time in the City Sewer and Water Regulations. These fees shall be in addition to any fees required under Subdivisions 2, 3 and 4.

**Subdivision 2. Connection Fees.** When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the City an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and the necessary street repairs. All sewer line and water line connections from the water main shall be done only by City employees or by plumbers licensed by the State of Minnesota.

**Subdivision 3. Certification.** No permit shall be issued to connect with any water or sanitary sewer main unless the applicant certifies and the City Clerk verifies the truth of one of the following or payment required under Subdivision 4 is made:

1. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or

2. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
3. That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the City.

**Subdivision 4. Additional Connection Fee.** If no such certificate has been issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main attributable to the property upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Clerk. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined upon the basis of the total assessable cost of the main allocated on the basis of frontage and other customary City assessment factors. In no event shall the connection charge made under this subdivision exceed the increase in value of the property attributable to the main.

#### **401.04 ACCOUNTING, BILLING AND COLLECTING**

**Subdivision 1. Accounts in Name of Owner.** All accounts shall be carried in the name of the owner. The owner shall be liable for water and sewer services supplied to his property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

**Subdivision 2. Bills for Service.** Water and sewer service charges shall be billed together. Bills shall be mailed to the customers quarterly or more frequently and shall specify the water consumed and the sewer and water charges in accordance with the rates set out in this chapter.

**Subdivision 3. Sewer and Water Rates, Fees and Service Charges.** The City Clerk shall establish sewer and water rates, fees, deposits and service charges for all items for which a charge is authorized under this chapter, including but not limited to application fees, connection fees, deposits, reconnection fees, sewer rates and water rates, which, when approved by the Council by resolution, shall establish the sewer and water rates, fees and service charges to be charged under this chapter. Rates, fees, deposits and charges in existence at the time of adoption of this chapter shall remain in force until changed as provided herein.

**Subdivision 4. Delinquent Accounts.** All charges for water and sewer service shall be due on the due date specified by the City for the respective account and shall be delinquent 10 days thereafter. The City shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the City may, after the procedure requirements of Subdivision 5 have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and any fee established under Subdivision 3 of this section. Delinquent accounts may be certified by the City Clerk to the City Council for adoption as assessments against the particular property

served. All assessments adopted by the Council on or before October 1 of a particular year shall be certified to the County Auditor by the City Clerk for collection along with real estate taxes payable in the subsequent year. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

**Subdivision 5. Procedure for Shutoff of Service.** Water shall not be shut off under Subdivision 4 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and, in addition to specifying the delinquent amount, penalty, mailing costs and turn-on charges to be paid, shall state that if payment is not made before a day stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. If as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with the ordinance, the City may shut off the supply.

#### **401.05 PROTECTION OF PUBLIC AND CITY**

**Subdivision 1. Permit and Bond.** A permit for construction and connection of the extension between a building drain and the sewer main or stub, herein called the building sewer, or between the building water service pipes and a water main or stub shall be issued only upon application by a licensed plumber or contractor approved by the City who has furnished a bond either to the Clerk or the Secretary of State under Minnesota Statutes 326.40. The bond shall be in the amount of \$5,000 conditioned so as to secure compliance by the principal with the provisions of this chapter and to further secure performance by him of all work undertaken within the City.

**Subdivision 2. Liability Insurance.** Before undertaking the construction work authorized by the permit, the plumber or contractor shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall be a broad form business owner's policy, shall include underground coverage and shall indemnify and save harmless the City and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$100,000 and the public liability damage for injury or death shall be in the amount of at least \$250,000 per claimant and \$500,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the City prior to construction work and such policy shall provide that the City shall be notified immediately of any termination or modification of such insurance. If the insurance coverage is inadequate in amount, the licensed plumber shall indemnify and save harmless the City and its personnel in like manner.

**Subdivision 3. Indemnification by Owner.** The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to

private property. He shall indemnify the City for any loss or damage directly or indirectly caused by its installation and connection.

**Subdivision 4. Rules and Regulations.** To the extent he deems necessary, the City Clerk shall establish rules and regulations for the proper implementation of this ordinance which, when approved by the Council by resolution, shall govern the installation and connection of building sewers and extension of water service to private property.

## **PART 2. WATER SYSTEM**

### **402.01 GENERAL WATER REGULATIONS**

**Subdivision 1. Discontinuance of Service.** The City may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in Section 401.05, Subdivision 4, for nonpayment of charges or for violation of rules and regulations affecting utility service.

**Subdivision 2. Supply from One Service.** No more than one house or building shall be supplied from one service connection except by special permission of the Council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

**Subdivision 3. Turning on Water, Tapping Mains.** No person except an authorized City employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a City permit.

**Subdivision 4. Repair of Leaks.** The consumer or owner shall be responsible for maintaining the service pipe from the water main into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the City, the City may turn the water off. The water shall not then be turned on again until a service fee in an amount fixed by the Council by resolution has been paid to the City. When the waste of water is great or damage is likely to result from the leak, the City shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

**Subdivision 5. Use of Fire Hydrants.** No person other than an authorized City employee shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority to do so from the City Clerk.

**Subdivision 6. Private Water Supply.** No water pipe of the City water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When any such connection is found, the City Clerk shall notify the owner to sever the connection and if this is not done immediately, the City shall turn off the water supply forthwith. Before any new connection to the City system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made.

**Subdivision 7. Restricted Hours.** Whenever the Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which the City water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged the fee established by the City for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with the terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

**Subdivision 8. Permitting Use by Others.** No person shall permit City water to be used for any purpose except for normal use upon his own premises except in an emergency. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Clerk for such services.

#### **402.02 METERS**

**Subdivision 1. Meters Required.** Except for the extinguishment of fires, no person other than an authorized City employee shall use water from the City water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the City. No person not authorized by the Public Works Department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

**Subdivision 2. Deposit.** Meters shall be installed by the City at its expense, but the City may require a customer to pay a deposit on each water meter in an amount fixed by the Council by resolution. Except for customers who have been delinquent within the prior year, the deposit shall be refunded when the property ownership is transferred and all charges under this ordinance have been paid. As to customers who have been delinquent within the prior year, the deposit shall be forfeited.

**Subdivision 3. Maintenance.** The City shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any City expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

**Subdivision 4. Complaints, Meter Testing.** When a consumer complains that the bill for any past service period is excessive, the City shall have the meter reread on request. If the consumer remains dissatisfied, he may, on written request and the deposit of an amount fixed by the Council by resolution, have the meter tested. If the test shows an error in the City's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter

shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

**Subdivision 5. Meters Property of City.** Water meters shall be the property of the City and may be removed or replaced as to size and type when deemed necessary.

**Subdivision 6. Meter Reading and Inspection.** Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system in order to read meters and make inspections.

#### **402.03 WATER RATES AND OTHER CHARGES**

**Subdivision 1. Water Rates and Charges.** Water rates, fees and other charges shall be established according to the provisions of City Code Section 401.04, Subdivision 3. Said rates may account for a disproportionate amount of water used by an industrial user, with a separate rate structure for such usage.

**Subdivision 2. Required Information.** The owner, occupant or person in charge of any premises shall supply the City with such information as it may reasonably require relating to use of water, use of sewer or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this section constitutes a violation of this section.

### **PART 3. SEWER USE REGULATIONS**

#### **403.01 DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Part shall have the meanings hereinafter designated:

**Subdivision 1. Act.** The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.

**Subdivision 2. ASTM".** American Society for Testing Materials.

**Subdivision 3. Authority.** The City of Pelican Rapids, Minnesota or its authorized representative thereof.

**Subdivision 4. BOD's or Biochemical Oxygen Demand.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).

**Subdivision 5. Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.

**Subdivision 6. Building Sewer.** The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

**Subdivision 7. City.** The area within the corporate boundaries of the City of Pelican Rapids as presently established or as amended by ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representative.

**Subdivision 8. Chemical Oxygen Demand (COD).** The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

**Subdivision 9. Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

**Subdivision 10. Control Manhole.** A structure specially constructed for the purpose of measuring flow and sampling of wastes.

**Subdivision 11. Easement.** An acquired legal right for the specific use of land owned by others.

**Subdivision 12. Fecal Coliform.** Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

**Subdivision 13. Floatable Oil.** Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

**Subdivision 14. Garbage.** Animal or vegetable waste resulting from the handling, preparation, cooking, and serving of food.

**Subdivision 15. Incompatible Pollutant.** Any pollutant that is not defined as a compatible pollutant (See Subdivision 9) including non-biodegradable dissolved solids.

**Subdivision 16. Industry.** Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, categorized in Divisions A, B, D, E, and I.

**Subdivision 17. Industrial Waste.** Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or normal domestic strength wastes.

**Subdivision 18. Infiltration.** Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

**Subdivision 19. Infiltration/Inflow (I/I).** The total quantity of water from both infiltration and inflow.

**Subdivision 20. Inflow.** Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

**Subdivision 21. Interference.** The inhibition or disruption of the City's wastewater treatment facilities processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES and/or SDS Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulation developed pursuant to the Solid Waste Disposal Act, or the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the City.

**Subdivision 22. MPCA.** Minnesota Pollution Control Agency.

**Subdivision 23. National Categorical Pretreatment Standards.** Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act.

**Subdivision 24. National Pollutant Discharge Elimination System (NPDES) Permit.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Section 402 and 405 of the Act.

**Subdivision 25. Natural Outlet.** Any outlets, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

**Subdivision 26. Non-contact Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

**Subdivision 27. Normal Domestic Strength Waste.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 300 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

**Subdivision 28. Person.** Any individual, firm, company, association, society, corporation or group.

**Subdivision 29. pH.** The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

**Subdivision 30. Pretreatment.** The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into publicly-owned treatment facilities (See Subdivision 23).

**Subdivision 31. 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 1/2 inch (1.27 cm) in any dimension.

**Subdivision 32. Sewage.** The spent water of a community. The preferred term is wastewater.

**Subdivision 33. Sewer.** A pipe or conduit that carries wastewater or drainage water.

- A. "Collection Sewer" - A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- B. "Combined Sewer" - A sewer intended to serve as a sanitary sewer and a storm sewer.
- C. "Force Main" - A pipe in which wastewater is carried under pressure.
- D. "Interceptor Sewer" - A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- E. "Private Sewer" - A sewer which is not owned and maintained by a public authority.
- F. "Public Sewer" - A sewer owned, maintained and controlled by a public authority.
- G. "Sanitary Sewer" - A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters which are not intentionally admitted.
- H. "Storm Sewer" or "Storm Drain" - A drain or sewer intended to carry storm waters surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

**Subdivision 34.** "Shall" is mandatory; "May" is permissive.

**Subdivision 35. Significant Industrial User.** Any industrial user of the wastewater treatment facility who:

- A. is subject to or potentially subject to national categorical pretreatment standards promulgated under Section 307(b) or (c) of the Act.
- B. has as its wastes toxic pollutants as defined pursuant to Section 307(a) and Section 502 of the Act;
- C. has a nondomestic flow of 25,000 gallons or more per average work day.
- D. has a nondomestic flow greater than five (5) percent of the flow and load in the municipality's wastewater treatment facilities; or
- E. is determined by the treatment authority to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment facilities, the quality of sludge, the facilities' effluent quality, or air emissions generated by the system.

**Subdivision 36. Slug.** Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment facilities.

**Subdivision 37. State Disposal System (SDS) Permit.** Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes §115.07 for a disposal system as defined by Minnesota Statutes §115.01, Subdivision 8.

**Subdivision 38. Superintendent.** The Utilities Superintendent, Superintendent of Public Works, or a deputy, agent or representative thereof.

**Subdivision 39. Suspended Solids (SS) or Total Suspended Solids (TSS).** The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," latest edition, and referred to as non-filterable residue.

**Subdivision 40. Toxic Pollutant.** The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act.

**Subdivision 41. Unpolluted Water.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See "Non-contact Cooling Water" Subdivision 26).

**Subdivision 42. User.** Any person who discharges or causes or permits the discharge of wastewater into the City's wastewater treatment facilities.

**Subdivision 43. Wastewater.** The spent water of a community, sometimes referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

**Subdivision 44. Wastewater Treatment Facilities or Treatment Facilities.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

**Subdivision 45. Watercourse.** A natural or artificial channel for the passage of water, either continuously or intermittently.

**Subdivision 46. WPCF.** The Water Pollution Control Federation.

#### **403.02 CONTROL BY THE UTILITIES SUPERINTENDENT**

**Subdivision 1.** The Utilities Superintendent shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this Part to the end that a proper and efficient public sewer is maintained.

#### **403.03 USE OF PUBLIC SEWERS REQUIRED**

**Subdivision 1.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

**Subdivision 2.** It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.

**Subdivision 3.** Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

**Subdivision 4.** The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley or right-of-way in which there is now

located, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within ninety (90) days of the date said public sewer is operational, provided said public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner(s) to make said connection.

**Subdivision 5.** In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 403.03, Subdivision 4 of this Part, the City will undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Otter Tail, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Part.

#### **403.04 PRIVATE WASTEWATER DISPOSAL**

**Subdivision 1.** Where a public sewer is not available under the provisions of Section 403.03, Subdivision 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

**Subdivision 2.** Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such a permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.

**Subdivision 3.** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its authorized representative. The City or its authorized representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four hours of the receipt of notice.

**Subdivision 4.** The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7075, entitled, "Individual Sewage Treatment System Standards" and Otter Tail County Shoreland Management Specifications. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**Subdivision 5.** At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with this Part, and within thirty (30) days any septic tank, cesspool, or similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

**Subdivision 6.** The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

**Subdivision 7.** No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

#### **403.05 BUILDING SEWERS AND CONNECTIONS**

**Subdivision 1.** No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

**Subdivision 2.** Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

**Subdivision 3.** There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization must provide information describing its wastewater constituents, characteristics, and type of activity.

**Subdivision 4.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

**Subdivision 5.** Any new connections(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD<sub>5</sub> and Suspended Solids, as determined by the Superintendent.

**Subdivision 6.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, driveway or yard. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection.

**Subdivision 7.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this Part.

**Subdivision 8.** All size, slopes, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of

the trench shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions, or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

**Subdivision 9.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

**Subdivision 10.** No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff of ground water to a building sewer or indirectly to the wastewater treatment facilities.

**Subdivision 11.** The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specification of the ASTM and the WPCS Manual or Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

**Subdivision 12.** The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent.

**Subdivision 13.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**Subdivision 14.** No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.

**Subdivision 15.** Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendation to the Council. If approved by the Council, such license shall be issued by the City Clerk upon filing of a bond as hereinafter provided.

**Subdivision 16.** No license shall be issued to any person until a \$500 bond to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the City from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground, made by the licensee or by those in the licensee's

employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

**Subdivision 17.** The license fee for making service connections is \$10.00. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date the license fee for the ensuing year shall be \$20.00.

**Subdivision 18.** The Council may suspend or revoke any license issued under this section for any of the following causes:

- A. Giving false information in connection with the application for a license.
- B. Incompetence of the licensee.
- C. Willful violation of any provision of this Section or any rule or regulation pertaining to the making of service connections.

#### **403.051 DISCHARGE OF STORM WATER, GROUND WATER AND SURFACE WATER INTO SANITARY SEWER SYSTEM**

**Subdivision 1. Prohibited Water.** It shall be unlawful for any owner, occupant or use of any premises to direct into or allow any storm water, surface water or ground water, to drain into the sanitary sewer system of the City. No rain spout, roof drain or other form of surface drainage and no foundation drainage or sump pump shall be connected or discharged into any sanitary sewer. Some exceptions may apply as per Subdivision 2(d).

#### **Subdivision 2. Sump Pump and Rigid Pipe Required.**

- A. New Subdivisions: All Construction

A sump pump and rigid pipe discharged connection to the outside shall be required for all construction in new subdivisions when it is determined necessary by the City Administrator or any other duly authorized employee(s) of the City to protect sanitary sewer infiltration. The City Administrator or any other duly authorized employee(s) of the City shall conduct his/her analysis and make his/her determination of soil conditions on a subdivision basis. The sump pump and rigid pipe discharge requirement will apply to all units constructed with in a specific subdivision.

- B. Existing Subdivisions: New Construction

Any new construction in a subdivision platted prior to the effective date of this ordinance shall be examined by the City Administrator or any other duly authorized employee(s) of the City when the footing inspection is made. At that time the City Administrator or any other duly authorized employee(s) of the City will determine, based upon excavated soils, whether the sump pump and rigid connection are required. Should the building owner choose the option of installing a sump pump and rigid connection where they are not required, they shall be installed in accordance with 3(a) and 3(b) below.

C. Existing Subdivisions, Existing Construction

Any existing construction in a subdivision platted prior to the effective date of this ordinance in which a sump pump has been or will be installed, shall be required to install a rigid pipe connection discharge in accordance with 3(b) below. It shall be unlawful to maintain any connection with the sanitary sewer carrying roof water, ground water, surface water or any other natural precipitation after the effective date of this ordinance.

D. Exceptions

In certain locations where surface storm water discharge would create a health or safety hazard, connection to the sanitary sewer may be allowed on an annual basis. Exceptions will be granted by permit on a case by case basis as determined by the City Administrator or any other duly authorized employee(s) of the City.

**Subdivision 3. Permit Application and Fee required.** Application for a permit shall be completed on an annual basis. It is unlawful to discharge into the sanitary sewer system within the City without securing a permit from the City. The City shall provide application forms and keep a record of all permits issued. An annual permit fee shall be charged for each permit issued. Every permit shall expire on the day after the date of issuance the following year. The fees for each permit shall be as set by the City Council and may be changed from time to time.

**Subdivision 4. Sump Pump and Rigid Pipe: Method of Installation.**

- A. The building shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least ten (10) feet away from the inside sanitary floor drain.
- B. A discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe) one (1) inch inside diameter minimum. The discharge pipe must have a check valve within one (1) foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement.

- C. Alternate methods of installation. The discharge pipe may be connected directly to the municipal underground storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed.

**Subdivision 5. Penalties.**

- A. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit allowed pursuant to the written notice referred to in Section 403.051, Subdivision 4 (A) above, shall be guilty of a petty misdemeanor, and on conviction thereof shall be fined in the amount not exceeding TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each violation. Each day in which any such violation occurs shall be deemed a separate offense.
- C. In the event that the owner fails to correct the situation within the given time period, the City may correct it and collect such costs together with reasonable attorneys fees and the collection fees by suing the owner in a court of competent jurisdiction, or in the alternative, by certifying said costs of correction as any other special assessment upon the land from which said correction of said violation was made.

**Subdivision 6. Validity.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Subdivision 7. Powers and Authority of Inspections.** The City Administrator or any other duly authorized employee(s) of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

**403.06 USE OF PUBLIC WASTEWATER TREATMENT FACILITIES**

**Subdivision 1.** No person(s) shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

**Subdivision 2.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

**Subdivision 3.** No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment facilities or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- B. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole bloods, animal guts or tissues, paunch manure, hair, hides or fleshings, entrails, grease, disposable diapers, and paper dishes, paper cups, milk containers, etc., either whole or ground by garbage grinders.
- C. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitutes a hazard to humans or animals, or creates a toxic effect in the receiving waters of the wastewater treatment facilities. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.

**Subdivision 4.** The following described substances, materials, waters, or wastes shall be limited in discharges to the wastewater treatment facilities to concentrations or quantities which will not harm either sewers, the treatment facilities' treatment process or equipment; will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his opinion, such severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give his consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, the City's NPDES and/or SDS permit, capacity of the treatment plant, degree of treatability of wastes in the treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- A. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which will inhibit biological activity in the treatment facilities resulting in interference therein.
- B. Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- C. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See Section 403.01, Subdivision 35.)
- D. Any garbage not properly shredded, as defined in Section 403.01, Subdivision 31. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- F. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- G. Non-contact cooling water or unpolluted storm, drainage or ground water.
- H. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater treatment facilities.
- I. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- J. Any waters or wastes containing arsenic, total chromium, copper, zinc, cadmium, cyanide, lead, mercury, nickel, silver and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment works exceeds the limits determined by the City for such materials and which cannot be removed by the City's wastewater treatment system.

- K. Any waters or wastes containing BOD<sub>5</sub> or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the treatment facilities, except as may be permitted by specific written agreement subject to the provisions of Subdivision 17 of this Section.
- L. Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the effluent cannot meet the requirements, or otherwise causes a violation of any statute, rule, regulations, or ordinance of any regulatory agency, or state or federal regulatory body having jurisdiction over discharge into the receiving waters.

**Subdivision 5.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Subdivision 4 of this Section, and/or which in the judgment of the Superintendent, may have a deleterious effect upon the treatment facilities, processes, or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addenda thereof;
- C. Require control over the quantities and rates of discharge; and/or,
- D. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

**Subdivision 6.** No user shall increase the use of process water, or in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Subdivisions 3 and 4 of this Section, or contained in the National Categorical Pretreatment Standards or any state requirement.

**Subdivision 7.** Where pretreatment of flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by and at the expense of the owner(s). If the City permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

**Subdivision 8.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subdivision 4(B), any flammable wastes as specified in Subdivision 3(A), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of the type to be

readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

**Subdivision 9.** Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

**Subdivision 10.** The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurement, tests, or analyses of waters or wastes to illustrate compliance with this Part and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurement, analyses and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analyses by an independent laboratory.

**Subdivision 11.** All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this Part shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

**Subdivision 12.** Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this Part. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substance of wastewater in violation of this Part to enable countermeasures to be taken by the Superintendent to minimize damage to the treatment facilities. Such notification will not relieve any user of any liability for any expense, loss or damage to the treatment facilities or treatment process, or for

any fines imposed on the City on account thereof under any state and/or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall endure that all employees who may cause or discover such a discharge are informed of the emergency notification procedure.

**Subdivision 13.** No person having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may from a deposit or obstruction of flow to pass into the public sewer. Within fifteen (15) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, the owner shall within ten (10) days clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of fifteen (15) days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

**Subdivision 14.** Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after seven (7) days that a person neglects or fails to so act shall constitute a separate violation of this Subdivision, and the Superintendent may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

**Subdivision 15.** The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

**Subdivision 16.** In addition to any penalties that may be imposed for violation of any provision of this Section, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.

**Subdivision 17.** No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City of Pelican Rapids and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's MPDES and/or State Disposal System Permit limitations are not violated.

#### **403.07 VANDALISM**

**Subdivision 1.** No person(s) shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater

treatment facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

#### **403.08 USER RATE SCHEDULE FOR CHARGES**

**Subdivision 1.** Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Part 4 of this Chapter.

#### **403.09 POWERS AND AUTHORITY OF INSPECTORS**

**Subdivision 1.** The Superintendent or other duly authorized employee(s) of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this Part.

**Subdivision 2.** The Superintendent or other duly authorized employee(s) is authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

**Subdivision 3.** While performing necessary work on private properties, the Superintendent or duly authorized employee(s) of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employee(s) and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 403.06, Subdivision 9.

**Subdivision 4.** The Superintendent or other duly authorized employee(s) of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **403.10 PENALTIES**

**Subdivision 1.** Any person found to be violating any provision of this Part, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Subdivision 2.** Any person who shall continue any violation beyond the time limit provided for in Subdivision 1 of this Section, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding \$500 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

**Subdivision 3.** Any person violating any of the provisions of this Part shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

#### **PART 4. SEWER SERVICE CHARGE SYSTEM**

Providing for Sewer Service charges to recover costs associated with:

- A. Operation, maintenance and replacement to ensure effective functioning of the City's Wastewater Treatment Facilities.
- B. Local capital costs incurred in the construction of the City's Wastewater Treatment Facilities.

#### **404.01 DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of the terms used hereafter designated:

**Subdivision 1. Administration.** Those fixed costs attributable to administration of the wastewater treatment works (i.e. billing and associated bookkeeping and accounting costs).

**Subdivision 2. Biochemical Oxygen Demand or BOD's.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C. expressed in milligrams per liter.

**Subdivision 3. City.** The area within the corporate boundaries of the City of Pelican Rapids, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term City may also refer to the City Council or its authorized representative.

**Subdivision 4. Commercial User.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

**Subdivision 5. Commercial Wastewaters.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

**Subdivision 6. Debt Service Charge.** A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

**Subdivision 7. Normal Domestic Strength Wastewater.** Wastewater that is primarily produced by residential users, with BOD<sub>5</sub> concentrations not greater than 300 mg/l and suspended solids concentrations not greater than 250 mg/l.

**Subdivision 8. Extra Strength Waste.** Wastewater having a BOD and/or TSS greater than domestic waste as defined in Section 404.01, Subdivision 7 above and not otherwise classified as an incompatible waste.

**Subdivision 9. Governmental User.** Users which are units, agencies or instrumentalities of federal, state, or local government discharging Normal Domestic Strength Wastewater.

**Subdivision 10. Incompatible Waste.** Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

**Subdivision 11. Industrial Users or Industries are:**

- A. Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas and Sanitary Sewers
Division I.	Services

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

BOD <sub>5</sub>	less than 300 mg/l
Suspended Solids	less than 250 mg/l

- B. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

**Subdivision 12. Industrial Wastewater.** The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Division A, B, D, E and I manufacturers as distinct from domestic wastewater.

**Subdivision 13. Institutional User.** Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).

**Subdivision 14. Municipal Works.** The City's "Wastewater Treatment Facilities" as described in Subdivision 34 below, excluding devices, facilities, structures, equipment or processes employed in the pretreatment of industrial wastes.

**Subdivision 15. Operation and Maintenance.** Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and Maintenance includes replacement.

**Subdivision 16. Operation and Maintenance Costs.** Expenditures for operation and maintenance, including replacement.

**Subdivision 17. Public Wastewater Collection System.** A system of sanitary sewers owned, maintained, operated and controlled by the City.

**Subdivision 18. Pretoria Industrial User.** An industrial user, as defined in Subdivision 11 above, whose wastes have pretreatment with the intent of removing incompatible pollutants and reducing BOD and TSS concentrations discharged to the Municipal Works to the BOD and TSS concentrations of Normal Domestic Strength Wastewater as defined in Subdivision 7 above.

**Subdivision 19. Pretoria Facilities.** That part of the City's Wastewater Treatment Facilities described in Subdivision 34 below, which is dedicated to the pretreatment of industrial wastewater and its conveyance to the "Municipal Works".

**Subdivision 20. Replacement.** Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

**Subdivision 21. Replacement Costs.** Expenditures for replacement.

**Subdivision 22. Residential User.** A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

**Subdivision 23. Sanitary Sewer.** A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

**Subdivision 24. Sewer Service Charge.** The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the City's wastewater treatment facilities.

**Subdivision 25. Sewer Service Fund.** A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

**Subdivision 26.** - "Shall" is mandatory; "May" is permissive.

**Subdivision 27. Slug.** Any discharge of water or wastewater which is in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration for flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**Subdivision 28. Standard Industrial Classification Manual.** Office of Management and Budget, 1972.

**Subdivision 29. Suspended Solids (SS) or Total Suspended Solids (TSS).** The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.

**Subdivision 30. Toxic Pollutant.** The concentration of any pollutant or combination of pollutant as defined in standards issued pursuant to Section 307(a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effect.

**Subdivision 31. User Charge.** A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

**Subdivision 32. Users.** Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

**Subdivision 33. Wastewater.** The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

**Subdivision 34. Wastewater Treatment Facilities.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

When used in this Part, "Wastewater Treatment Facilities" shall include the City's "Municipal Works" and the City's "Pretreatment Facilities".

#### **404.02 ESTABLISHING OF A SEWER SERVICE CHARGE SYSTEM**

**Subdivision 1.** The City of Pelican Rapids hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement of the Municipal Works and the Pretreatment Facilities and for debt service on capital expenditure incurred in constructing same.

**Subdivision 2.** Each user shall pay its proportionate share of operation, maintenance and replacement costs of the Municipal Works and the Pretreatment Facilities based on the users proportionate contribution to the total wastewater loading from all users.

**Subdivision 3.** Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

**Subdivision 4.** Sewer Service rates and charges to users of the Wastewater Treatment Facilities shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Part. The Sewer Service Charge System developed shall be adopted by resolution upon enactment of this Part, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

**Subdivision 5.** Revenue collected for Sewer Service shall be deposited in a separate fund known as "The Sewer Fund". Income from revenues collected will be expended to offset the cost of Operation, Maintenance and equipment replacement for Municipal Works and the Pretreatment Facilities and to retire debt for caption expenditure.

**Subdivision 6.** Sewer Service Charges and the Sewer Fund will be administrated in accordance with the provisions of Section 404.05 of this Part.

#### **404.03 DETERMINATION OF SEWER SERVICE CHARGES**

**Subdivision 1.** Users of the City of Pelican Rapids wastewater treatment facilities shall be identified as belonging to one of the following user classes:

- A. Residential
- B. Commercial
- C. Industrial
- D. Pretreated Industrial
- E. Institutional
- F. Governmental

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Clerk. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

**Subdivision 2.** Each user shall pay Operation, Maintenance, and Replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the Municipal Works and the Pretreatment Facilities, with the minimum rate for discharges of BOD and TSS to the Municipal Works being the rate established for concentrations of Normal Domestic Strength Wastewater of 300 mg/l BOD and 250 mg/l TSS (i.e. Normal Domestic Strength Wastewater).

Each user shall also pay a service charge on each service connection. These charges shall be adjusted annually to cover certain fixed costs relating to OM&R.

Those "Industrial Users" discharging "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

**Subdivision 3. Discharges to the Municipal Works: User Charges for Normal Domestic Strength Users**

- A. Calculating billable flows and loadings
  - 1. Measurement of Wastewater Volume:

The charges assessed residential users and those users of other classes discharging "Normal Domestic Strength Wastewater" shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

- a. Residential Users:

Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per quarter billable wastewater volume shall be equal to the quarterly metered water usage of the first quarter of the calendar year.

b. Non-Residential Users:

The billable wastewater volume of non-residential users shall be calculated on the basis of quarterly metered water usage as recorded throughout the year.

The City may, at its discretion, require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

2. Determination of Loadings from Metered Water Usage:

The billable amounts of BOD and TSS will be calculated from the volume of metered water usage, as determined above; where the billable quantities will be those attributable to wastewater at a concentration of 300 mg/l BOD and 250 mg/l TSS (i.e. "Normal Domestic Strength Wastewater").

B. Determination of user charges for normal domestic strength users:

User charges for Normal Domestic Strength users shall be determined as follows:

1. Calculation of Unit Costs for Treatment of Normal Domestic Strength Wastewater:

$$U_n = \frac{C_{omr}}{T_{bwv}}$$

Where:

$U_n$  = Unit cost for Operation, Maintenance and Replacement to treat Normal Domestic Strength, in \$/kgal.

$C_{omr}$  = (Total annual OM&R costs) - (Charges collected to treat concentrations Greater than Normal Domestic Strength) in accordance with Section 404.03, Subdivision 5.

$T_{bwv}$  = Total annual billable wastewater volume in kgal.

2. Calculation of User Charge for Normal Domestic Strength Wastewater:

$$U_c = S_c + U_n \times b_{wv}$$

Where:

$U_c$  = User Charge.

Un = Unit cost for Operation, Maintenance and Replacement to treat Normal Domestic Strength, in \$/kgal.

bm<sub>v</sub> = Billable wastewater volume of a particular user in kgal.

Sc = Service Charge.

#### **Subdivision 4. Discharges to the Municipal Works: User Charges for Greater Than Normal Domestic Strength Users**

##### A. Calculating billable flows and loadings

###### 1. Calculation of Billable Flows

The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the City, from the measurement of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the City.

###### 2. Calculation of Billable Loadings

The billable amounts BOD and TSS will be calculated by the measurement of these wastes according to the program prescribed by the City in keeping with the latest edition of Standard Methods for the Examination of Water and Wastewater and in accordance with Part 3. "Sewer Use Regulations".

To insure compliance with Section 404.03, Subdivision 2 of this Part, the following procedures shall be followed in determining average loadings per billing period for industrial users:

When a particular reading indicates concentrations greater than or equal to Normal Domestic Strength, the actual reading shall be entered into the average for billing purposes.

When a particular reading indicates concentrations less than Normal Domestic Strength, Normal Domestic Strength shall be entered into the average for billing purposes.

##### B. Determination of user charge for greater than normal domestic strength users

###### 1. Calculations of Unit Costs for Treatment of FLOW, BOD, TSS.

For purposes of determining proportionate surcharges, unit costs for treatment of Flow, BOD and TSS shall be determined and fixed annually in the Sewer Service Charge System according to the following procedure:

- a. Determine the Annual OM&R budget.
- b. Allocate total Annual OM&R costs to Flow, BOD and TSS proportionately; according to the costs of collection and treatment of Flow, BOD and TSS.
- c. Divide the OM&R costs attributable to Flow, BOD and TSS respectively, by the total annual billable volume and loadings of Flow, BOD and TSS to arrive at unit costs.

For purposes of determining surcharges the following definitions of unit costs shall apply:

$U_f$  = Unit cost for treatment of Flow in \$/kgal.

$U_{bod}$  = Unit cost for treatment of BOD in \$/lb.

$U_{tss}$  = Unit cost for treatment of TSS in \$/lb.

2. Calculation of User Charges for Treatment of Wastewaters with Concentrations Exceeding that of Normal Domestic Strength Wastewater:

$$U_c = [U_n \times bmv] + [U_{bod} \times K \times bmv (C_{bod} - N_{bod})] + [U_{tss} \times K \times bmv (C_{tss} - N_{tss})]$$

Where:

$U_c$  = User Charge.

$U_n$  = Unit cost for the treatment of Normal Domestic Strength Wastewater.

$bmv$  = Billable wastewater volume of a particular user in kgal.

$U_{bod}$  = Unit cost for treatment of BOD in \$/lb.

$K$  = .00834.

$C_{bod}$  = Users Concentration of BOD, in mg/l.

$N_{bod}$  = 300 mg/l [Concentration of BOD in Normal Domestic Strength Wastes].

$U_{tss}$  = Unit cost for treatment of TSS in \$/lb.

$C_{tss}$  = Users Concentration of TSS in mg/l.

Ntss= 250 mg/l [Concentration of TSS in Normal Domestic Strength Wastes]

**Subdivision 5. Discharges to the Pretreatment Stabilization Ponds: User Charges**

Each User of the City's Pretreatment Facilities shall pay the Operation, Maintenance and Replacement (OM&R) Costs (including conveyance to the Municipal Works) of said Facilities based on the user's proportionate contribution of the total wastewater loading to said Facilities from all users. This fee shall be set annually by the City Council. Additional User Charges shall be set for Flows, BOD and TSS discharging to the Pretreatment Facilities above the design flows and loadings. These charges shall be set by the Council by resolution.

**Subdivision 6.** The Council shall annually determine a residential and commercial debt service unit cost and an industrial debt service unit cost. Charges for debt service will then be calculated on the basis of billable wastewater volume consistent with the user charge for normal domestic strength wastewater.

**Subdivision 7. Determination of Sewer Service Charges**

The Sewer Service Charge for residential and commercial connection shall be determined as follows:

$$SSC = Uc + Dc + Sc$$

Where:

SSC = Sewer Service Charge

Uc = User Charge (For use of Municipal treatment works)

Dc = Debt Service Charge for residential and commercial rate

Sc = Service Charge

The Sewer Service Charge for an industrial user receiving pretreatment services from the City shall be as follows:

$$SSC = Uc + Dc + Pc + Sc$$

Where:

SSC = Sewer Service Charge

Uc = User Charge (For use of Municipal treatment works)

Dc = Debt Service Charge for Industrial rate

Pc = Pretreatment Charge

Sc = Service Charge

#### **404.04 SEWER SERVICE FUND**

**Subdivision 1.** The City of Pelican Rapids hereby establishes a "Sewer Fund" as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment facilities, including taxes, special charges, fees, and assessments intended to retire construction debt.

The City also establishes the following accounts as income and expenditure accounts within the Sewer Fund:

1. Municipal Works Operation and Maintenance Account
2. Municipal Works Equipment Replacement Account
3. Pretreatment Account
4. Debt Retirement Account

**Subdivision 2.** All revenue generated by the Sewer Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk separate and apart from all other funds of the City. Funds received by the Sewer Fund shall be transferred to the "Municipal Works Operation and Maintenance Account", the "Municipal Works Operation and Maintenance Account", the "Municipal Works Equipment Replacement Account", the "Pretreatment Facilities Operation and Maintenance Account", the "Pretreatment Facilities Replacement Account" and the "Debt Retirement Account" in accordance with state and federal regulations and the provisions of this Part.

**Subdivision 3.** Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance of the municipal works shall be held separate and apart in the "Municipal Works Operation and Maintenance Account".

**Subdivision 4.** Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance of the pretreatment facilities shall be held separate and apart in the "Pretreatment Facilities shall be held separate and apart in the "Pretreatment Facilities Operation and Maintenance Account".

**Subdivision 5.** Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance of the pretreatment facilities shall be held separate and apart in the "Pretreatment Facilities Operation and Maintenance Account".

**Subdivision 6.** Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the pretreatment facilities shall be held separate and apart in the "Pretreatment Facilities Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Pretreatment Facilities Equipment Replacement Account" shall remain in the "Pretreatment Facilities Equipment Replacement Account."

#### **404.05 ADMINISTRATION**

The Sewer Service Charge System and Sewer Service Funds shall be administrated according to the following provisions:

**Subdivision 1.** The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the municipal works and the pretreatment facilities and shall furnish the City Council with a report of such costs annually in March.

The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the municipal works and the pretreatment facilities, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Section 404.02, Subdivision 2 of this Part and Section 204(b)(2)(A) of the Federal Water Pollution Control Act, as amended.

The City shall thereafter, but not later than the end of the year, re-assess, and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the municipal works and the pretreatment facilities were constructed, and to retire the construction debt.

**Subdivision 2.** In accordance with Federal and State requirements each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance and replacement.

**Subdivision 3.** In accordance with Federal and State requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

**Subdivision 4.** Bills for Sewer Service Charges shall be rendered on a monthly or quarterly basis succeeding the period for which the service was rendered and shall be due ten (10) days from the date of rendering. Any bill not paid in full thirty (30) days after the due date will be considered delinquent. At that time the City shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent finance charges and penalties.

A penalty shall be computed as 10% of the original bill.

**Subdivision 5.** The owner of the premises shall be liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.

**Subdivision 6.** Any additional costs caused by discharges to the treatment works of toxins or other incompatible wastes, including the cost of restoring wastewater treatment service, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the City.

#### **404.06 PENALTIES**

**Subdivision 1.** Each and every sewer service charge levied by and pursuant to this Part is hereby made a lien upon the lot or premises served, and all such charges which are unpaid on the first day of each year and past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Part shall be held or construed as in any way stopping or interfering with the right of the City to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

**Subdivision 2.** As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

**Subdivision 3.** In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.

#### **404.07 SEVERABILITY AND VALIDITY**

**Subdivision 1.** If any section or subdivision of this Part shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Part, which shall continue in full force and effect.

**Subdivision 2.** The Sewer Service Charge System shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

### **PART 5. PRETREATMENT ORDINANCE**

#### **405.01 GENERAL PROVISION**

**Subdivision 1. Purpose and Policy.** This Part sets forth uniform requirements for discharges into the City's wastewater disposal system and enables the City to comply with all state and federal laws, state and federal rules, regulations and permits.

The objectives of this Part are:

- A. To prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use or disposal of the sludge;
- B. To prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system; and
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This Part provides for the regulation of discharges into the City's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Part shall apply to the City of Pelican Rapids and to persons outside the City who are, by contract or agreement with the City, users of the City wastewater disposal system. This Part is supplemental to Parts 3 and 4 of this Chapter. Except as otherwise provided herein, the City Administrative Assistant shall administer, implement and enforce the provisions of this Part.

**Subdivision 2. Definitions.** Unless the context specifically indicates otherwise, the following terms, as used in this Part, shall have the meanings hereinafter designated:

- A. "Act" - The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C 1251, et seq.
- B. "Biochemical Oxygen Demand (BOD<sub>5</sub>)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- C. "City" - The City of Pelican Rapids or the City Council of Pelican Rapids.
- D. "Administrator" - The Administrative Assistant of Pelican Rapids or the Administrative Assistant's duly authorized representative.
- E. "Industrial User" - A person who discharges to City's wastewater disposal system liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, or from the development of any natural resource.

- F. "Interference" -
1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  2. Therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- G. "National Pollutant Discharge Elimination System (NPDES) Permit" - Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.); for the purpose of regulating the discharge of sewage, industrial wastes, or other wastes under the authority of Section 402 of the Act.
- H. "Non-Contact Cooling Water" - The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.
- I. "Person" - the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.
- J. "pH" - the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
- K. "Pretreatment" - The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by Section 405.02, Subdivision 2D of this Part.
- L. "Shall" is mandatory; "May" is permissive.

- M. "Significant Industrial User" - Any industrial user of the City's wastewater disposal system which
1. Has a discharge flow of 50,000 gallons or more per average work day; or
  2. Has a nondomestic flow greater than five (5) percent of the flow and load in the municipality's wastewater treatment facilities; or
  3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Minnesota Statutes and rules; or
  4. Has significant impact, either singly or in combination with discharges from other sources, on the wastewater disposal system, the quality, or air emissions generated by the system.
- N. "State" - State of Minnesota.
- O. "State Disposal System Permit" - Any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to Minnesota Statutes §115.07 for a disposal system as defined by Minnesota Statutes §115.01 Subdivision 8.
- P. "Storm Water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- Q. "Suspended Solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard class fiber filter.
- R. "User" - Any person who discharges, causes or permits the discharge of wastewater into the City's wastewater disposal system.
- S. "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 storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.
- T. "Wastewater Disposal System" or "System" - Any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, and treatment, of industrial and domestic wastewater including intercepting sewers, outfall sewers, sewage collection system, pumping, power, and other equipment, and their appurtenances; extensions, improvements remodeling, additions, and alterations thereof.
- U. "Waters of the State" - All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or

underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of any portion thereof.

Terms not otherwise defined herein shall be as given in Minnesota Statutes, Chapters 115 and 116, as amended.

## **405.02 REGULATIONS**

**Subdivision 1. General Discharge Prohibitions.** No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sewer unless specifically allowed by a Wastewater Discharge Permit as required in Section 405.04, Subdivision 2.

- A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited material include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- B. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- C. Any wastewater having a pH less than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

- F. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- G. Any wastewater which creates conditions at or near the wastewater disposal system which violate any permit, statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.
- H. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F (40 degrees C).
- I. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations, quantities, or flow of the user during normal operations.
- J. Non-contact cooling water or unpolluted storm or groundwater.
- K. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 150 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- L. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulphate) in such quantities that they would cause disruption with the wastewater disposal system.
- M. Any wastewater having a BOD<sub>5</sub> greater than 300 mg/l or having a suspended solids concentration of greater than 250 mg/l.

In addition to these prohibitions, no user shall discharge to any public sewer any discharge which will cause interference, as defined, with the wastewater disposal system, or violate any standards established by permits issued to persons who are subject to this Part or the City.

**Subdivision 2. Limitations on Wastewater Strength.**

- A. National Categorical Pretreatment Standards

National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Part.

B. State Requirements

State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable Part.

C. City's Right of Revision

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 405.01, Subdivision 1 of this Part.

D. Dilution

No user shall increase the user of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards, or contained in any state requirements.

E. Supplementary Limitations

Any waters or wastes containing the following substances to such degree that may such material received in the composite wastewater at the wastewater treatment works will cause it to be in excess of limitations set by the Administrator for such materials:

arsenic  
cadmium  
copper cyanide lead mercury nickel silver total  
chromium zinc  
phenolic compounds which cannot be removed by City's wastewater treatment system.

**Subdivision 3. Accidental Discharges.** Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedure to provide this protection shall be submitted to the Administrator for review, and shall be approved by the Administrator before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. Users shall notify

the Administrator immediately upon having a slug or accidental discharge of substances or wastewater in violation of this Part in order to enable countermeasures to be taken by the Administrator to minimize damage to the wastewater disposal system and the receiving waters. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any state or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

### **405.03 FEES**

**Subdivision 1. Purpose.** It is the purpose of this section to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees, to be prepared, from time to time, by the Administrator and approved by the City Council.

**Subdivision 2. Charges and Fees.** The City Council shall adopt charges and fees which may include:

- A. Fees for monitoring, inspections and surveillance procedures;
- B. Fees for permit applications;
- C. Appeal fees; and
- D. Other fees as the City may deem necessary to carry out the requirements contained herein.

### **405.04 ADMINISTRATION**

**Subdivision 1. General User Reports.** The Administrator may require that any person discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards, or other information which relates to the generation of waste, including wastewater constituents and concentrations in the wastewater discharge. Such reports may also include sludge disposal practices and the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this Part shall be prepared quarterly and submitted to the Administrator. In addition to discharge reports, the Administrator may require information in the form of Wastewater Discharge Permit applications, self-monitoring reports, compliance schedules, and any other reports required by the Administrator or as a condition of any permit issued by the City.

**Subdivision 2. Wastewater Discharge Permits.**

#### A. Mandatory Permits

All industries who are significant industrial users or are industries proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a Wastewater Discharge Permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Act connected to or discharging into the wastewater disposal system shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Part.

#### B. Permit Application

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Administrator, an application in the form prescribed by the Administrator, and accompanied by an initial fee of \$300.00, or as provided in the schedule of charges and fees. Existing users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this Part, and proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, location (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics including but not limited to those governed by Section 405.02 of this Part 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;
4. Time and duration of discharge;
5. Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connection, and appurtenances by size, location and elevation;
7. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;

8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city , state or national pretreatment standards, and for an existing discharge, a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule shall not be later than the compliance date established for the applicable pretreatment standard. 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 pretreatment standard. No increment shall exceed nine (9) months in length, and progress reports concerning each increment shall be submitted within fourteen (14) days following each increment date;
9. Each product produced by type, amount, and rate of production;
10. Type and amount of raw materials processed (average and maximum per day);
11. Number of full and part-time employees, and hours of work; and
12. Any other information as may be deemed by the Administrator to be necessary to evaluate the permit application.

The Administrator will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Administrator may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### C. Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Part and within the standards and limits of all permits issued to the City including but not limited to the National Pollutant Discharge Elimination System (NPDES) permit and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Requirements for installation, operation and maintenance of pretreatment facilities;
6. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
7. Compliance schedules;
8. Requirements for submission of technical reports or discharge reports;
9. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Administrator, but in no case less than three years, and affording Administrator access thereto;
10. Requirements for notification to and acceptance by the Administrator of any new introduction of wastewater constituents of any substantial change in the volume or character of the wastewater treatment system;
11. Requirements for notification of slug or accidental discharges as provided by Section 405.02, Subdivision 3 of this Part, and reporting of permit violations;
12. Requirements for disposal of sludges, floats, skimmings, etc.; and
13. Other conditions as deemed appropriate by the City to ensure compliance with this Part.

D. Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Administrator during the term of the permit as limitations or requirements as identified in Section 405.02 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (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.

E. Permit Modifications

The user with an existing Wastewater Discharge Permit shall submit to the Administrator within 180 days after the promulgation of any applicable national categorical pretreatment standard the information required by paragraph 8 of Section

405.04, Subdivision 2B of this Part. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

F. Permit Transfer

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be re-assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

**Subdivision 3. Monitoring Facilities.** Monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all industrial users, unless exempted in writing by the Administrator. The monitoring facility should normally be situated on the user's premises, but the Administrator may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Administrator's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Administrator, unless a time extension is otherwise granted by the Administrator.

The Administrator may in certain cases elect to delegate to the City the responsibilities for sampling or monitoring the wastewater from an industry if the Administrator and the industry are in agreement, in which case all costs to the City for monitoring and sampling will be assessed to the industry.

**Subdivision 4. Inspection and Sampling.** The Administrator shall inspect the facilities of any user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Administrator ready access to all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Administrator, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the

Administrator, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

**Subdivision 5. Pretreatment.** Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater 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 Administrator for review, and shall be acceptable to the Administrator before construction of the facility. The review of such plans and operating procedure will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Administrator under the provisions of the Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Administrator prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available by the Administrator to officials of the EPA or MPCA upon request.

Any user subject to a national categorical pretreatment standard, after the compliance data of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the Administrator during the months of June and December, unless required more frequently in the pretreatment standard or by the Administrator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user, and certified to by a qualified professional.

**Subdivision 7. Confidential Information.** Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Administrator that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part, the NPDES Permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Administrator as confidential, shall not be transmitted to any governmental

agency or to the general public by the Administrator until and unless a ten day notification is given to the user.

**Subdivision 8. Sludges Generated.** Sludges, floats, skimmings, etc., generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all federal, state and local regulations.

#### **405.05 ENFORCEMENT**

**Subdivision 1. Slug or Accidental Discharges.** The Administrator may suspend the wastewater treatment service of a user and/or a Wastewater Discharge Permit after informal notice to the discharger when suspension is necessary, in the opinion of the Administrator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the City to violate any condition of its NPDES or State Disposal System Permit.

Any user notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Administrator shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Administrator shall reinstate the Wastewater Discharge Permit and/ or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Administrator within fifteen (15) days of the date of occurrence.

**Subdivision 2. Revocation of Permit.** In accordance with the procedures of Section 405.05 of this Part, the Administrator may revoke the permit of any user which fails to actually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or care for violation of conditions of its permit, this Part, or applicable state and federal regulations.

**Subdivision 3. Notification of Violation.** Whenever the Administrator finds that any person has violated or is violating this Part, Wastewater Discharge Permit, or any prohibition, limitation or requirement contained herein, the Administrator may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of this notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

**Subdivision 4. Show Cause Hearing.**

A. Notice of Hearing

If the violation is not corrected by timely compliance, the Administrator may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

B. Hearing Officials

The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer employee or agent of the City or an independent Hearing Officer to:

1. Issue in the name of the City Council notice of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
2. Take the evidence; and
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

C. Transcripts

At any hearing held pursuant to this Part, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

D. Issuance of Orders

After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

**Subdivision 5. Legal Action.** If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Part, federal or state pretreatment requirements or any order of the City, the City Attorney may, following the authorization of such action by the City Council, commence an action for appropriate legal and/or equitable relief.

**Subdivision 6. Annual Publication.** A list of the users which were significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the twelve (12) previous months shall be annually published by the City in a local newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. For the purposes of this provision, significant violations would be those violations which remain uncorrected 45 days after notification of noncompliance; which are part of a pattern of noncompliance over a twelve (12) month period; or which involve a failure to accurately report noncompliance.

**Subdivision 7. Appeal to the City Council.** Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Part and shall be entitled to a written reply from the City.

Any decision of the Administrator in the enforcement of this Part may be appealed to the City Council by filing a written petition with the City within thirty (30) days of the Administrator's ruling. Said petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. Said petition shall show the names, addresses and telephone numbers of all objectors and their attorney-at-law or spokesman. The filing of a petition in accordance with the requirements herein shall stay all proceedings unless the Administrator shall file within seventy-two (72) hours after the filing of a petition a certificate stating that a stay would cause peril to life or property or specifying other good reason.

The City Council shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of said hearing to parties named in the petition as attorney or spokesman. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition after which the Administrator may present evidence in support of his decision.

The City Council shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Council shall constitute the official record of the petition, hearing, and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

#### **405.06 PENALTIES**

**Subdivision 1. Civil Penalties.** Any user who is found to have violated an Order of the City Council or who has failed to comply with any provision of this Part, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars nor more than One Thousand Dollars for each offense. Each day on which a violation shall occur or continue shall be deemed separate and distinct offense. In addition to the penalties provided

herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by an appropriate action against the person found to have violated this Part or the order, rules regulations and permits issued hereunder.

**Subdivision 2. Cost of Damage.** Any user violating any of the provisions of this Part or who has a discharge which causes a deposit, obstruction, damage or other impairment to the City's wastewater disposal system shall become liable to the City for any expense, loss, or damage, including fines paid by the City, caused by the violation or discharge. The Administrator may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Part.

**Subdivision 3. Falsifying Information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part, shall upon conviction, be punished by a fine of not more than One Thousand Dollars or by imprisonment for not more than six (6) months, or by both.

#### **405.07 SEVERABILITY**

If any provision, paragraph, word, section or subdivision of this Part is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and subdivisions shall not be affected and shall continue in full force and effect.