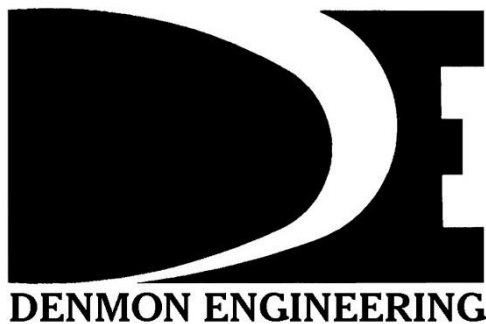


EXHIBIT J

MONROE SEWER

PRE TREATMENT REQUIREMENTS



MONROE SEWER PRE-TREATMENT REQUIREMENTS

Sec. 30-40. - General provisions.

(a) *Purpose and policy.* This article sets forth uniform requirements for users of the wastewater collection and publicly owned treatment works (POTW) for the City of Monroe and enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- (7) To enable the city to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

This article shall apply to all industrial users and existing and new commercial and nonresidential users and all multiple family dwellings where food is prepared, cooked, and/or dispensed that connect to the City of Monroe's Sanitary Sewer, when, in the opinion of the pretreatment coordinator (PC), it is necessary to prevent fats, oils, and greases (FOG) in quantities sufficient to cause sanitary sewer line restriction or necessitate increased sewer collection or POTW maintenance. The article authorizes the issuance of wastewater discharge permits and commercial permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial and commercial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) *Administration.* Except as otherwise provided herein, the manager of the sewer department

shall administer, implement and enforce the provisions of this article. Any powers granted to or duties imposed upon the manager may be delegated by the manager to other city personnel.

(c) *Definition of terms.* For the purposes of this section, all terms not defined herein shall take the meaning given in the article. (Some terms are repeated from the article for convenience.) The following words, terms and phrases when used in this article are, for the purposes thereof, defined as follows:

- (1) *Act or the act.* The Federal Water Pollution Control Act 33 (U.S.C. 1251, et seq.) as amended by Federal Water Pollution Control Act amendments of 1972 (P.L. 92-500) and subsequent amendments.
- (2) *Approval authority.* The state director in a NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.
- (3) *City attorney.* The attorney-at-law who is hired by the City of Monroe to represent it in the state court and the United States court. This term shall include any assistants to the city attorney.
- (4) *Assistant pretreatment coordinator.* The person, who assists the pretreatment coordinator (PC), and in the absence of the pretreatment coordinator, is responsible for the enforcement of regulations intended to protect public owned treatment works (POTWs) and the environment.
- (5) *Authorized representative of industrial user.* A corporate officer (president, vice-president, secretary or treasurer) if the user is a corporation; or a general partner or proprietor if the user is a partnership or sole proprietorship, respectively; or a duly authorized representative who is responsible for the overall operation or for environmental matters of the facility and is designated by written authorization to the city from the corporate officer, partner or proprietor.
- (6) *BOD (biochemical oxygen demand).* BOD is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures of five (5) days at twenty (20) degrees Celsius, expressed in parts per million by weight, or milligrams per liter (mg/l).
- (7) *Building drain.* Building drain is that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes (not including storm drains) inside the walls of the building and which conveys it to the building sewer, ending five (5) feet outside the inner fact of the building.
- (8) *Bypass.* The intentional diversion of wastestreams from any portion of an industrial users

treatment facility.

- (9) *Building sewer*. Building sewer is the piping extending from the building drain to the point of connection with public sewer or other place of disposal.
- (10) *Categorical standards*. National categorical pretreatment standards.
- (11) *City*. City means City of Monroe.
- (12) *COD (chemical oxygen demand)*. COD is the quantity of oxygen utilized in the chemical oxidation of the chemically oxidizable carbonaceous contents found within the waste water sample, expressed in milligrams per liter (mg/l) or parts per million (ppm).
- (13) *Code*. The code is the "Sanitary Code, State of Louisiana" as prepared by the division of health, and promulgated by the Louisiana Health and Human Resources Administration or their successors in function as printed January 1, 1974, and all revisions.
- (14) *Composite sample*. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (15) *Cooling water*. The water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (16) *Control authority*. The term "control authority" shall refer to the manager of the sewer department. (See subsection (a)(27) of this section).
- (17) *Dilution*. An increase in the use of process waters or other waters as a partial or complete substitute for adequate treatment to achieve compliance with the standards for wastewater discharge.
- (18) *Discharge limit*. The maximum concentration of a pollutant allowed to be discharged at any time.
- (19) *Direct discharge*. The discharge of treated or untreated waste water directly to the waters of the State of Louisiana.
- (20) *Environmental Protection Agency or EPA*. The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- (21) *FOG (fats, oils and grease)*. A liquid or solid material comprised primarily of fat. Oil or grease from animal or vegetable sources.
- (22) *Food service establishment (FSE)*. Any establishment that cooks, prepares and/or dispenses food. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for food.
- (23) *Garbage*. Garbage is the solid waste matter resulting from the preparation, cooking, dispensing of food or from the handling, storage, or sale of produce or other food product.

- (24) *Grab sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (25) *Grease interceptor.* An interceptor of less than one hundred twenty-five (125) gallon capacity which is designed and installed so as to separate and retain grease and which is generally installed indoors entirely above grade.
- (26) *Grease trap.* An interceptor of at least one hundred twenty-five (125) gallon capacity which is designed and installed so as to separate and retain grease and which is generally installed below grade outdoors with provisions for above grade accessibility for cleaning purposes.
- (27) *Health department.* The health department is the commissioner and state health officer of the State of Louisiana or his duly authorized representative.
- (28) *Holding-tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (29) *Indirect discharge.* The introduction of pollutants into the POTW from any nondomestic source regulated under 307(b), (c), or (d) of the Clean Water Act.
- (30) *Industrial user.* A source of indirect discharge.
- (31) *Industrial waste.* Industrial waste is the liquid waste resulting from industrial or other technical processes, trade, or business, distinct from sanitary sewage.
- (32) *Interference.* The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or a criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal of use employed by the POTW.
- (33) *Infiltration.* Water, other than waste water, that enters a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.
- (34) *Inflow.* Water, other than waste water, that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

- (35) *Infiltration/inflow*. The total quantity of water from both infiltration and inflow without distinguishing the source.
- (36) *Manager of the sewer department*. The manager of the sewer department is the person duly designated by the governing authority to oversee and supervise the activities incident to the operation, maintenance, and administration of the sewage works, or his authorized deputy, agency, or representative.
- (37) *National [federal] categorical pretreatment standard or pretreatment standard*. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.
- (38) *National pollution discharge elimination system or NPDES permit*. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- (39) *National prohibitive discharge standard or prohibitive discharge standard*. Any regulation developed under the authority of section 307(b) of the Act and 40 CFR, section 403.5.
- (40) *Natural outlet*. Natural outlet is any outlet into a ditch, water course, pond, lake, or any other stream or body of surface water.
- (41) *New source*. Any industrial user discharge from a building, structure, facility or installation, the construction of which commenced after the publication of a proposed categorical pretreatment standard, which will be applicable to the discharge, provided that:
- a. The building, structure, facility or installation is constructed at a site which no other user is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing user; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing user at the same site.
- (42) *Nuisance*. Nuisance is that which is dangerous to human life or detrimental to health; whatever building, structure, or premises not sufficiently ventilated, sewerred, drained, cleaned, or lighted in reference to intended or actual use; and whatever renders the air or human food, drink, or water supply unwholesome.
- (43) *Official notice*. Official notice is any notice issued by the manager of the sewer system by the following means:
- a. Certified U.S. Mail (return receipt).
 - b. Hand delivery.
 - c. Posting of such notice in a conspicuous place on premises.

- (44) *Pass through*. A discharge which exits the wastewater treatment plant into receiving waters in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of violation of the city's NPDES permit.
- (45) *Payment of fees*. The payment by check or money order with the check clearing the city's bank and made payable to the City of Monroe or to the city's successors in function.
- (46) *Person*. Person includes any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, of their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (47) *pH*. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (48) *Plumbing*. The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also, the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste or sewerage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.
- (49) *Pollution*. The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (50) *Pollutant*. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (51) *Pretreatment or treatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process change, or other means, except as prohibited by 40 CFR, section 403.6(d).
- (52) *Pretreatment coordinator*. The person responsible for the enforcement of regulations intended to protect public owned treatment works (POTWs) and the environment.
- (53) *Pretreatment requirements*. Any substantive or procedural requirement related to

pretreatment, other than a national pretreatment standard imposed on an industrial user.

- (54) *Pretreatment standard.* A discharge prohibition as listed in section 30-45 of this article, or a National Categorical Pretreatment Standard or a National Prohibitive Discharge Standard.
- (55) *Properly shredded garbage.* Properly shredded garbage is garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
- (56) *Publicly owned treatment works (POTW).* A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey waste water to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey waste waters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
- (57) *Public sewer.* Public sewer is a sewer owned or controlled by the city to which property owners in the vicinity may have access. In general, the public sewer includes the main sewer in the street and the service branch, if any, to the curb or to the property line of the owner having access to the public sewer.
- (58) *POTW treatment plant.* That portion of the POTW designed to provide treatment to waste water.
- (59) *SS (suspended solids).* Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
- (60) *Sanitary manner.* Sanitary manner means the following:
- a. Protect the public health, safety and welfare;
 - b. Prevent land, water or air pollution;
 - c. Prevent the spread of disease and the creation of nuisances;
 - d. Conserve natural resources;
 - e. Enhance the beauty and quality of the environment.
- (61) *Sanitary sewer.* A sewer intended to only carry sanitary sewage or industrial wastes or a combination of both, and to which storm, surface, and ground water are not intentionally admitted.
- (62) *Sanitary sewage.*

- a. Domestic waste water with storm and surface water excluded.
 - b. Waste water discharging from the sanitary conveniences of dwellings (including apartment houses and hotels) office buildings, industrial plants, or institutions.
- (63) *Sewage*. Sewage means combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water as may be inadvertently present.
- (64) *Sewage normal*. Sewage normal is sewerage having the following limiting characteristics:
- a. BOD five (5) days, twenty (20) degrees centigrade: 200 mg/l (max.)
 - b. Chlorine demand fifteen (15) minutes sixty-eight (68) degrees Fahrenheit: 25 mg/l (max.)
 - c. Suspended solids: 200 mg/l (max.)
 - d. Hydrogen ion concentration (pH): 5.0 to 9.0
 - e. Grease: 100 mg/l (max.)
 - f. Temperature: 125°F (max.)
- (64) *Sewer*. The pipe or other conduit outside a building for conveying sewage.
- (65) *Sewage treatment plant*. Sewage treatment plant is any arrangement of equipment, devices and structures used for treating sewage.
- (66) *Sewage works*. Sewage works is any and all facilities for collection, pumping, treating, and disposing of sewage.
- (67) *Significant industrial user*. Any industrial user which:
- a. Discharges twenty-five thousand (25,000) gallons or more of wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) into the sewage system per average workday; or
 - b. Has a discharge greater than five (5) per cent of the average dry weather flow or organic capacity of the city's wastewater treatment plant; or
 - c. Is regulated by the National Categorical Pretreatment Standards; or
 - d. Is found by the manager to discharge pollutants which have a reasonable potential for adversely affecting the sanitary sewer or the waste water treatment plant, or for violating any pretreatment standard or requirement. The manager may at any time on his own initiative, or in response to a petition from an industrial user, determine that an industrial user meeting the above criteria is not a significant industrial user; if it is found that there is no reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.
- (68) *Slug*. Any substance release in a discharge of non routine or episodic nature which causes

interference at the treatment plant, hydraulically overloads the sewer collection system or violates the prohibitions in 40 CFR 403.5(b). This includes but is not limited to an accidental spill or a noncustomary batch discharge.

- (69) *Standard industrial classification (SIC)*. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (70) *Standard methods*. Standard methods are as contained in the "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, latest edition. All sampling and testing procedures required under provisions of this article shall be in accordance with "standard methods".
- (71) *Storm drain*. (See subsection (a)(61) of this section).
- (72) *Storm sewer*. Any sewer or natural or man-made drainage channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, and other than unpolluted cooling water.
- (73) *Storm water*. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (74) *Substantial change in wastewater discharge*. A twenty (20) per cent or greater increase or decrease in the volume of wastewaters discharged or in the quantity and character of pollutants discharged as a result of changes in the industrial processes which generate the wastewater.
- (75) *Toxic pollutant*. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the Clean Water Act (CWA) Section 307(a) or other acts.
- (76) *Upset*. An exceptional incident in which there is unintentional and temporary noncompliance with the categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR 403.16(a)].
- (77) *User*. Any person who contributes, causes or permits the contribution of waste water into the city's POTW.
- (78) *Waste water*. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are introduced into or permitted to enter the POTW.
- (79) *Watercourse*. A channel in which a flow of storm, surface or ground water occurs

continuously or intermittently.

(80) *Water of the state.* All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, 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 or any portion thereof.

(81) *Words and phrases; how construed.* Words and phrases shall be read with their contest and shall be construed according to the common and approved usage of the language. Technical words and phrases, and such others as may have acquired a particular and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning. The word "may" is permissive; "shall" is mandatory.

(d) *Abbreviations.* The following abbreviations shall have the designated meanings:

A.S.T.M.	American Society for Testing and Materials.
BOD	Biochemical oxygen demand.
CFR	Code of Federal Regulations.
CWA	Clean Water Act.
COD	Chemical oxygen demand.
EPA	Environmental Protection Agency.
ICR	Industrial cost recovery.
l	Liter.
mg	Milligrams.
mg/l	Milligrams per liter.
MGD	Million gallons per day.
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly owned treatment works.

Q	Flow in gallons per day.
SIC	Standard industrial classification.
SWDA	Solid Waste Disposal Act, 42, U.S.C. 6901, et seq.
TSS	Total suspended solids.
U.S.C.	United States Code.

(Ord. No. 11,163, 3-8-11)

Sec. 30-40.1. - Grease traps.

This section shall apply to all commercial and nonresidential users, that prepare, cook, and/or dispense food, and that connect to the city sanitary sewer, when in the opinion of the pretreatment coordinator (PC), it is necessary to prevent fats, oils, and greases (FOG) in quantities sufficient to cause sanitary sewer line restriction or necessitate increased sewer collection system or POTW maintenance.

(a) *New establishments* — are required to install a grease removal device (a minimum of one thousand (1,000) gallons)** prior to opening/and or initial discharge.

(b) *Existing establishments.*

(1) All establishments are required to install a grease removal device, within at timeline specified by the pretreatment coordinator after notification that such device is required. A grease removal device shall be required if:

- a. The food service establishment (FSE) does not have a grease device and is discharging to the public owned treatment works (POTW) wastewater containing FOG, in quantities that can cause line restriction, or necessitates increased line maintenance.
- b. The existing grease removal device in combination with best management practices, does not reduce the amount of FOG discharged that is sufficient to prevent line restriction or line maintenance.
- c. The FSE changes in the nature or is renovated in such a manner that will increase the chances of FOG in quantities sufficient to cause line restriction or increased line maintenance.

- (2) FSE (new or existing) that are unable to comply with the said requirements due to site or plumbing constraints which may make compliance impossible shall apply in writing to the PC for an exemption which may be granted by the PC at his sole discretion. The written request shall include the reasoning behind why the FSE cannot comply with this section and the steps the FSE will take to ensure and prevent sanitary sewer line restriction and increased P.O.T.W. maintenance. The PC shall submit a response within ninety (90) days.
- (c) *Multiple family dwelling units* — required to have at least a one thousand-gallon grease trap.
- (d) *Grease removal device requirements.*
- (1) *Grease traps.* Unless otherwise exempted (subsection (b)(2) of this section), all FSE shall install grease traps. Grease traps shall be one thousand (1,000) gallon minimum capacity** and provide a thirty-minute retention time at a total peak flow and must be maintained and installed in accordance with manufacturer's instructions and all applicable laws. The maximum size shall be twenty-five hundred (2,500) gallons each based on cleaning and maintenance frequency. Grease interceptors shall be located to provide easy access for cleaning and inspection.
- **Note**** (1) At the discretion of the PC and/or the pretreatment division personnel, an establishment may be allowed to install a grease removal device as specified by the Louisiana Department of Health on the basis of manufacturing process that contributes minimal FOG to the sanitary sewer system.
- (2) *Grease interceptors* will not be allowed, unless otherwise exempted; See [subsection 30-40.1(b)(2)].
- (3) *Best management practices.* Food service establishments shall use best management practices designed to reduce the amount of wastewater containing fat, oils, and grease discharged into the POTW. These include:
- a. Implementing a comprehensive employee training program on the problems associated with fats, oils, and grease and their proper disposal;
 - b. Disconnecting or minimizing the use of garbage disposals;
 - c. Installing a 1/8 th-inch or 3/16 th-inch mesh screen over all kitchen sinks mop sinks, and floor sinks;
 - d. Using "dry" clean-up methods, including scraping or soaking up fats, oil and grease from plates and cookware before washing;
 - e. Using pre-wash sinks to clean plates and cookware;

- f. Recycling fats, oils and grease and beneficial food waste when possible;
- g. Pouring remaining liquid fats, oils, and grease from pots, pans, and other cookware into containers to be disposed of in the trash once congealed; and
- h. Posting BMPs in the food preparation and dishwashing areas at all times.

(4) *Maintenance.*

- a. Grease removal devices shall be inspected, cleaned, and maintained in proper working order at all times by the user at its expense.
- b. Grease trap maintenance.
 - 1. Grease traps in active use shall be cleaned at least once every three (3) months or when the total accumulation of surface fats, oil, and grease (including floating solids) and settled solids reaches twenty-five (25) per cent of the grease interceptors overall liquid depth, whichever occurs first.

Accounting for twenty-five (25) per cent or more of its wetted depth as measured from that static water line to the tank bottom.
 - 2. In the event that a grease trap is larger than the capacity of a vacuum truck, the interceptor shall be completely evacuated within a twenty-four-hour period.
The user's documentation shall accurately reflect each pumping event.
- c. *Grease interceptor maintenance.* Grease interceptors shall be serviced at least one time per month or when the amount of waste captured reaches twenty-five (25) per cent of the trap's liquid depth whichever occurs first. Removable baffles shall be removed and cleaned during the maintenance process.
- d. The PC may require that that require that a grease removal device be cleaned more frequently than set forth in chapter 30 of this Code if the cleaning frequency set forth herein is found to be inadequate. The PC may change the required maintenance frequency to reflect changes in actual operating conditions.
- e. After each cleaning the food service establishment shall inspect the device to verify that:
 - 1. The contents of the device have been fully evacuated and that no liquids, semi-solids, or solids were discharged back into the device after cleaning; and
 - 2. The interior components of the device are in proper working order.
- f. Food service establishments shall require the liquid waste hauler, transporter, or any other person cleaning or servicing a grease removal device to completely evacuate all contents, including floating materials, wastewater, bottom solids, and accumulated waste on the walls of the grease removal device. Waste must be

disposed of in accordance with federal, state, and local laws.

1. Food service establishment shall be required to know at all times via waste haulers manifest the location of the contents of the grease removal device until disposal. (Cradle to grave)
2. The grease trap waste generator shall complete and sign the generator's section of the waste hauler's manifest, as appropriate, prior to removal of waste.

These shall include:

- i. Business name.
- ii. Business address.
- iii. Telephone number.
- iv. Waste capacity of interceptor.
- v. Date of delivery to transporter.
- vi. Name and signature of manager or owner.

It shall be the responsibility of the generator to ensure that the generator section and the transporter section of the manifest are complete and accurate, with signatures. A copy of the manifest shall be left with the generator. ** There must be a least two (2) (consecutive) copies of the waste haulers manifest on site.

- g. *Cleaning frequency variance.* Any food service establishment desiring a cleaning schedule less frequent than that required in this chapter shall submit a request to the pretreatment coordinator along with the maintenance records for the last four (4) grease interceptor cleanings or at last eight (8) grease trap cleanings, including measurements of the thickness of the floating fats, oil, and grease and bottom solids layer, and total volume removed. A reduction in cleaning frequency may be granted by the director when it has been determined that the grease interceptor had adequate detention time for fats, oil, and grease removal. The cleaning frequency will depend on variables such as the capacity of the device, the amount of solids in the wastewater, and the degree of adherence to BMPs.

(e) *Compliance monitoring.*

Inspection and sampling:

- (1) The city shall have the right to enter the facilities of any commercial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder is

being met and whether the commercial user is complying with all requirements thereof.

- a. Any temporary (car, mulch, shrubbery) or permanent obstruction (cement or concrete) must immediately be removed to allow safe and easy access to the grease removal device via the manhole or lid.
- b. Unreasonable delays (no longer than fifteen (15) minutes) in allowing city personnel access to the commercial user's premises shall be a violation of this chapter if the PC or APC has been refused access to the building, structure, or property or any part thereof, and if the PC or APC has demonstrated probable cause to believe that there may be a violation of this chapter or there is a need to inspect as a part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder or to protect the overall public health, safety, and welfare of the community a citation will be issued and the facility will be given fifteen (15) minutes to comply and allow access.

(f) *Permit fees.* Three hundred dollars (\$300.00) (To be renewed every three (3) years)

Any permit that lapses for non-payment of the permit fee required in this [chapter] will be reinstated upon payment of an additional fee of two hundred fifty dollars (\$250.00) for each thirty-day period in which the permit has been allowed to lapse. After three (3) thirty-day periods, the said facility will have their water services disconnected.

(g) *Grease trap conditions for citation issuance.*

Grease and/or solids at or above twenty-five (25) per cent rule.

**Twenty-five (25) per cent rule is defined as when the grease trap has accumulated waste, both floatable grease and settleable food solids accounting for twenty-five (25) per cent or more of its wetted depth, as measured from the static water line to the tank bottom.

Grease trap overflowing.

Grease trap broken (i.e. baffles, outlets or cover damaged).

(h) *Penalty assessment.*

(1) *Permit application and renewal.* All applications for the FOG permit to be reviewed for initial permitting or renewal shall be submitted by December 1 of the application year. (In the event of an establishment opening after the permit application deadline, the applicant will be required to submit the application within thirty (30) days.

—the annual permit fee is one hundred dollars (\$100.00) per year. If the permit

application is not received before the deadline, there will be a two hundred fifty dollar (\$250.00) late fee, and two hundred fifty dollars (\$250.00) for each month up to three (3) months in which there will be a disconnection of water services.

(2) *Grease trap violation.*

- a. Citation (written) issued and facility is given ten (10) business days to have trap cleaned or repaired:
 1. If overflowing facility given twenty-four (24) hours from the time of the citation.
 2. If not cleaned after ten (10) days, three (3) additional days may be provided (Letter is sent).
 3. One hundred dollars (\$100.00) [per] day penalty for each day trap is not cleaned following the aforementioned (Letter is to be sent and fee added to the water bill).
 4. Court/legal action including a cease and desist order, and termination of services with a one thousand dollar (\$1,000.00) penalty assessed to the facility (Matter handled by the city attorney).

*** In the case of the restaurant's closing, the property owner is responsible for the final cleaning. ***

(Ord. No. 11,163, 3-8-11; Ord. No. 11,254, 12-27-11; Ord. No. 11,306, 7-24-12)

Sec. 30-41. - Required use of public sewers.

- (a) It is unlawful for any person to cause to be deposited upon public or private property, any objectionable waste matter which may be harmful to the public health or which may create safety hazards, odors, unsightliness, or public nuisance.
- (b) It is unlawful to discharge to any natural outlet any sewage from a public sewage collection system, either publicly or privately owned, except where such discharge is from sewage treatment facilities constructed in accordance with this article and in a manner approved by the manager and the state agency of competent jurisdiction.
- (c) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the treatment or disposal of sewage without approval of the health department and the manager. All costs and expenses incidental to the installation and operation of the above mentioned facilities shall be borne by the owners.
- (d) The owner of all occupied houses, buildings, or properties situated within the city or abutting on 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, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line or it is determined that extension of public sewer is economically feasible by city inspector and the manager.

- (e) It is unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface water, uncontaminated cooling water, or unpolluted industrial process water into any sanitary sewer. Refer to subsection 30-49(c) for penalties for failure to correct any discharge from private property.
- (f) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the manager. Industrial cooling water or unpolluted process water may be discharged, upon approval of the state agency of competent jurisdiction and upon receiving an annual discharge permit from the city.

(Ord. No. 11,163, 3-8-11)

Cross reference— Further provisions concerning connection required to public sewer, § 30-1.

Sec. 30-42. - Building sewers, building drains and connections.

- (a) It is unlawful to uncover, make any connection with or opening into, use, alter, or disturb any public sewer appurtenance thereof belonging to the city without first obtaining a permit.
- (b) There are three (3) classes of permits:
 - (1) For commercial service (commercial permit).
 - (2) For discharge of industrial wastes into sewer system (waste water discharge permit, renewed annually).
 - (3) For discharge of treated sewage into drainage system (storm sewer discharge permit, renewed annually).
- (c) The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the manager and/or city plumbing inspector. Samples of the permit applications are contained in appendices I, II, III, which are made a part of this article. More than one class of permit may be required where applicable sample permit forms are contained in appendices II, III, and IV which are made a part of this article. ^[3]
 - (1) Commercial users permit application includes hospitals, businesses, and all other based

on water consumption. Users who can provide property maintenance (pretreatment) of grease, soil and oil traps may be categorized as commercial users.

- (2) Industrial users permit applications will be required of all industrial users with indirect discharges as described in subsection 30-45(k).
- (3) Storm sewer discharge permits shall be required for all discharges into city's storm sewer of nonstorm water flows.
- (d) In the event no wye or service line is provided for the premises on which the new construction is to be made, the applicant shall apply to the manager for the sewer tap to the main sewer. The fee is covered in section 30-5.
- (e) In the event that the applicant is unable to locate a service connection which is shown on the official records as provided for that lot, he shall refer the matter to the manager.
- (f) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.
- (g) A separate and independent building sewer shall be provided for every building, except where one (1) 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- (h) Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this article. The city inspector may require the applicant to perform any prescribed test as needed.
- (i) The building sewers and drains shall be standard weight cast-iron soil pipe, SDR 35 PVC or ABS, or approved equal. Joints shall be tight and waterproof.
- (j) The size and slope of the building sewer shall be subject to the approval of the city inspector. The building sewer shall be no less than four (4) inches in diameter. The slope of the building sewer shall in no event be less than one-eighth-inch per foot for four-inch pipe.
- (k) The building sewer shall be brought to the building at an elevation below the lowest floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid to uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- (l) Whenever possible, all tops of floors on new construction shall be not less than eighteen (18) inches above the highest crown of the street adjacent to that property in order to ensure the proper functioning of all plumbing fixtures. Plumbers are cautioned to advise their clients of

this requirement prior to the permit application being submitted. The city cannot assure proper functioning of fixtures in buildings that do not conform to this requirement. Suitable lift pump may be required when less than eighteen (18) inches are provided. All sewer mains shall be placed in the street right-of-way.

- (m) The Sanitary Code, State of Louisiana, plumbing, chapter X-A, and Standard Plumbing Code with latest revisions from Southern Building Code Congress International, Inc. are hereby adopted as part of this article.

The requirements in the State Sanitary Code and other sections of this article take precedence to the requirements in the Standard Plumbing Code.

- (n) Reserved.
- (o) On the building sewer, a four-inch diameter (minimum) cleanout shall be provided with a cleanout box at the property line. As-built sketch will be required of all new plumbing with location of all cleanouts.
- (p) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer at the expense of the owner. The facilities shall be maintained by the owner, at his expense, in continuous, efficient operation at all times.
- (q) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the city inspector. Pipe laying and backfill shall be performed in accordance with American Society for Testing and Materials (A.S.T.M.) specifications (C-12) latest revision, inspected and official notice is given from the city inspector that the work can be backfilled.
- (r) All joints and connections shall be made watertight. Bituminous and concrete joints shall be prohibited; cast-iron joints shall be the compression joint. This type of joint shall be made with a one-piece rubber gasket meeting the requirements of A.S.T.M. specification C-564. The spigot end of the pipe shall be plain and shall be pushed into the gasketed hub.
- (s) The applicant for the building sewer and drain permit shall notify the city inspector when the building sewer and building drain are ready for inspection and connection to the public sewer. The connection of the building sewer into the public sewer shall conform to the requirements of this article. All such connections shall be made watertight. Any such deviation from the described procedures and materials must be approved by the city inspector before installation.
- (t) All excavations for building sewer installation in public right-of-way 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.

- (u) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources or surface runoff or ground water to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.
- (v) Existing rear property service lines, which do not travel in street right-of-way must be maintained by property owner at no cost to the city. The city will maintain just the sewer mains in areas with rear sewer services.
- (w) The city shall maintain the service branches within street right-of-way where a cleanout with a cleanout box is provided at the property line. The responsibility of installing the cleanout is on the property owner without cost to the city. All other service branches are the responsibility of the property owner. Procedures in section 30-50 shall be followed where property owners request installation of a cleanout with a cleanout box.
- (x) Any person who fails to comply with the conditions set forth in their commercial permit shall be required to obtain a waste water discharge permit and shall not be allowed to discharge his wastes through their commercial permit.

(Ord. No. 11,163, 3-8-11)

Footnotes:

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Editor's note— *Appendices I, II, III, and IV referred to in § 30-42(c) above, are not included herein, but are on file for inspection in the office of the city clerk.*

Sec. 30-43. - Plumbing work.

All plumbing work in the city must be performed by plumbers who are licensed by the Louisiana State Plumbing Board. Copy of all bonds and licenses shall be on file with the city.

(Ord. No. 11,163, 3-8-11)

Sec. 30-44. - Permits (fees).

- (a) *Commercial permit.* A commercial permit shall be required of any nonresidential facility where a grease, oil, or sand interceptor is required or where the manager determines a commercial permit is needed. The application for the permit shall be filed with the manager. An application fee of three hundred dollars (\$300.00) shall be paid when the application for the permit is filed (nonrefundable). The permit shall be valid for a period of three (3) years.
- (b) *Waste water discharge permit.* A waste water permit shall be required of any facility where a discharge contains any substance as covered in section 30-45 or where the manager

determines a waste water permit is needed. The application for the permit shall be filed with the manager. An application fee of twenty-five dollars (\$25.00) shall be paid when the permit is filed (nonrefundable). The permit shall be valid for a period established by the control authority but not to exceed five (5) years.

- (c) *Storm sewer discharge permit.* A storm sewer discharge permit shall be required where nonstorm water is discharged into the city's storm sewer. The application fee of fifty dollars (\$50.00) shall be paid when the application is filed (nonrefundable). The permit fee shall be the same as the fee for a waste water discharge permit. Permits shall be valid for a period established by the control authority.
- (d) *Additional costs.* In addition to the application fees as covered in subsections 30-44(a), 30-44(b) and 30-44(c), the permittee shall pay all costs of any inspections or samplings as covered in subsection 30-46(n) and any costs of work performed by the city which is directly related to any permittee. These costs are considered permit fees which are added to the monthly water bill or billed directly if no monthly water bill is utilized by the permittee.
- (e) *Renewal.* All applications for above permit to be renewed shall be submitted by December 1 of each year. A penalty of two hundred fifty dollars (\$250.00) shall be paid by any party a month late. The city shall disconnect water service and/or sewer service of any person whose permit expires unless a completed application is submitted with payment of all fees and penalties.
- (f) *Requirements.* After enactment of this article for existing facilities, all waste water discharge permits must be obtained within one hundred eighty (180) days. All others shall be required within one (1) year.

(Ord. No. 11,163, 3-8-11; Ord. No. 11,254, 12-27-11)

Sec. 30-45. - Regulations.

- (a) *General prohibitions.* No user shall contribute or cause to be contributed, directly any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:
 - (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or maybe, sufficient either alone or by interaction with other substances to cause fire or explosions or are injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) 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 (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter. In addition a

user may not discharge any liquids, solids, or gases which exhibit a closed cup flashpoint quality of one hundred forty (140) degrees Fahrenheit using test methods specified in 40CFR 261.21.

- (2) Solid or viscous substances which may cause obstruction 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 in any dimension, animal tissues, egg shells, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than five (5.0) or greater than nine (9.0), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants to injure or interfere with ant wastewater treatment process constitutes a hazard to humans or animals, create a toxic effect in the receiving waters or the POTW or to exceed the limitation set forth in a categorical pretreatment standard.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a nuisance or hazard to life are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharge to POTW cause the POTW to be in noncompliance with sludge use of disposal criteria, guidelines, or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed to the pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its LPDES and/or state disposal system permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye waste and vegetable tanning solution.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference.

- (10) Any pollutants, including BOD and SS, released at a flow rate and/or pollutant concentration which will cause interference to the POTW; or a slug release of pollutants as defined herein.
 - (11) Any wastewater containing any radioactive waste or isotopes of such half life or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.
 - (12) Any wastewater which causes a hazard to human life or creates a public nuisance[s].
 - (13) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
 - (14) Any trucked or hauled wastewater unless specifically approved by the manager and only at discharge points designated by the manager.
 - (15) Altering or tampering with a grease removal device.
 - (16) Discharging or permitting another to discharge any liquid semi-solid or solid back in to the grease removal device at any time during maintenance or cleaning operations.
 - (17) Discharging or permitting another to discharge any grease removal device wastes into any drain, public or private other grease removal device.
- (b) *Specific prohibitions.* No user shall contribute or cause to be contributed, directly or indirectly, any of the following described substances, materials, waters or wastes:
- (1) Using hot water (>104 F (40 C)) or chemicals, bacteria, enzymes, or other products to emulsify fats, oils, and greases prior discharging wastewater into the POTW.
 - (2) Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred four degrees (104°). At the manager's discretion, this standard may be waived for commercial users which have installed approved grease interceptors and provide adequate maintenance.
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (¾) horsepower or greater shall be prohibited.
 - (4) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, if not neutralized.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceed limits established by the sewerage manager for such materials.

- (6) Any water or wastes containing phenols or other-taste or odor-producing substances, in such concentrations exceeding limits which may be established by the manager as necessary, after treatment of the composite sewage, to meet the requirements of the health department or the EPA.
- (7) Any radioactive wastes or isotopes.
- (8) Unless otherwise approved by the manager, BOD exceeding one thousand (1,000) mg/l and total suspended solids exceeding fifteen hundred (1,500) mg/l.
- (9) Discharge of toxic materials or heavy metals shall be limited as follows:
 - a. Waste discharges shall not exceed these concentrations:

Milligrams per liter	
Arsenic	0.1
Cadmium	0.9
Chromium	6.4
Copper	.8
Cyanide	2.0
Lead	0.4
Mercury	0.004
Nickel	6.0
Silver	1.6
Zinc	11.0

- b. Solvents and organic substances shall not exceed:
 - Methylene Chloride 4.15 mg/l
- (c) *Limits apply at the point where industrial waste is discharged to the POTW.* These limits are based on a method for allocating pollutant loadings and are applied via the permitting system to affected industrial users. Changes in pollutant loading to the POTW may warrant changes in these limits. All concentrations for metallic substances are for "total" metal.
- (d) *Federal categorical pretreatment standards.* Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.
- (e) *Modification of federal categorical pretreatment standards.* Where the city's waste water treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modifications of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount

of a pollutant or alteration of the nature of the pollutant by the waste water treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) per cent of the samples taken when measured according to the procedures set forth in section 403.7(c) (2) of title 40 of the Code of Federal Regulations, part 403, "General Pretreatment Regulations for Existing and New Sources of Pollutant:" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

- (f) *State requirements.* State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
- (g) *Grease, oil, and sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the manager or PC, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable waste, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the manager or PC and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, properly vented, watertight, and equipped with easily removable covers which, when bolted in place, shall be airtight. All grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Should such facilities fail, the owner shall immediately notify the manager of the failure.
- (h) *Control manhole requirement.* The owner of a facility producing industrial waste shall install, at his expense, a suitable control manhole or other acceptable facility, together with such necessary meter, sampling equipment, and other appurtenances in the building sewer to facilitate observation, sampling, and other measurement of the wastes. Such manhole or facility and equipment shall be accessible and safely located, and shall be constructed in accordance with plans approved by the owner, at this expense, so as to be safe and accessible at all times.
- (i) *Manager access.* The manager shall have the right to access to the control manhole of facilities at all times with authority to stop all flows of wastes into the public system when necessary.
- (j) All measurement, test, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the methods specified in subsection 30-46(l)(3). Analytical techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by EPA.
- (k) An industrial wastewater permit shall be required prior to the following admission into the

public sewers of any industrial waste having:

- (1) Characteristics of a significant industrial user,
 - (2) A five-day biochemical oxygen concentration or a suspended solids concentration of greater than two hundred (200) mg/l.
 - (3) Pollutants which the manager determines may exceed the limits shown in [this section].
- (l) *Proposed preliminary treatment facilities.* The waste water discharge permit shall require plans and specifications or other pertinent information relating to proposed preliminary treatment facilities be submitted for the approval by the manager and by the state and no construction of such facilities shall be commenced until said approvals are obtained by official notice.
- (m) *Excessive concentrations.* No statement contained in this section shall be construed as preventing any special agreement or arrangement between the manager and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the manager, subject to payment therefor by the industrial concern. Section 30-52 of this article provides the basic method and rate structure for computation of surcharge.
- (n) *New connections.* New connections shall be properly designed and constructed in such a manner that sources of inflow/infiltration will be prevented from entering the sewer system.
- (o) *City's right of revision.* The city reserves the right to establish by ordinance more stringent limitations of requirements on discharges to the waste water disposal system if deemed necessary to comply with the objectives presented in this article.
- (p) *Excessive discharge.* No user shall ever increase the use 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 in the federal categorical pretreatment standards, or in any other pollutant-specific limitations developed by the city or state.
- (q) *Accidental discharge—Slug discharge plans.* Each user shall provide protection from accidental discharge and slug discharges of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at user's own cost and expense. If requested by the manager, a user shall provide a slug control plan containing, at a minimum:
- (1) Description of discharge practices including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the manager of slug discharge, including any discharge that would violate a prohibition under this section, with procedure for follow-up written notification within five (5) days; and
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including

inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(r) *Treatment bypasses.* A bypass of the treatment system is prohibited unless all of the following conditions are met:

- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage:
- (2) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
- (3) The industrial user properly notified the manager.

Users must provide immediate notice to the manager upon discovery of an unanticipated bypass. If necessary, the manager may require the user to submit a written report explaining the causes(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the manager at least ten (10) days in advance.

(s) *Treatment upsets.* A user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the manager thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days.

A user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action for any noncompliance with this article.

(Ord. No. 11,163, 3-8-11)

Sec. 30-46. - Administration.

(a) *Waste water discharges.* It shall be unlawful to discharge without a city permit to any natural outlet within the city, or in any area under the jurisdiction of the city, and/or to the POTW any waste water except as authorized by the manager in accordance with the provisions of this article. Any discharge of waste water shall be of equal quality as being discharged by the city's

WPCC plant.

- (b) *Waste water contribution permits.* (See subsections (c) through (j) of this section)
- (c) *General permits.* All significant users proposing to connect or to contribute to the POTW shall obtain a waste water discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a waste water contribution permit within one hundred eighty (180) days after the effective date of this article.
- (d) *Permit application.* Users required to obtain a waste water discharge permit shall compile and file with the city an application in the form prescribed by the city and accompanied by a fee covered in section 30-44 of this chapter. Existing users shall apply for a waste water contribution permit within ninety (90) days after August 23, 1983, and proposed new users shall apply at least ninety (90) prior to connecting to or contributing to the POTW. In support of this application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address, and location (if different from the address);
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (3) Waste water constituents and characteristics including, but not limited to, those mentioned in section 30-45 as determined by the 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 contribution;
 - (5) Average daily and three-minute peak waste water flow rates including daily, monthly and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and 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 by the user to meet applicable pretreatment standards;
 - (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the

compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
 - b. No increment referred to in paragraph shall exceed nine (9) months.
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the manager including, as a minimum, whether or not compiled with the increment of progress to be met on such date and, if not, the date on which he expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the manager;
- (10) Each product produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processes (average and maximum per day);
 - (12) Number and type of employees, and hours of operation of the industry and proposed or actual hours of operation of pretreatment system;
 - (13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.
- (e) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a waste water discharge permit subject to terms and conditions provided herein.
 - (f) *Permit modifications.* Within nine (9) months of the promulgation of a national categorical pretreatment standard, the waste water discharge permit of users, subject to such standards, shall be revised to require compliance with such standards within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a waste water contribution permit as required by subsection 30-47(b), the user shall apply for a waste water contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing waste water discharge permit shall submit to the manager within one hundred eighty (180) days after the promulgations of an applicable federal categorical pretreatment standard the information required by

subsections (g)(8) and (g)(9) of this section.

- (g) *Permit conditions.* Waste water discharge permits shall be expressly subject to all provisions of this article 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 waste water to be discharged to a public sewer system;
 - (2) Limits on the average and maximum waste water constituents and characteristics;
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for test and reporting schedules;
 - (6) Compliance schedules;
 - (7) Requirements for submission of technical reports or discharge reports (see subsection (l) of this section);
 - (8) Requirements for maintaining and retaining plant records relating to waste water discharge as specified by the city and affording the city access thereto;
 - (9) Requirements for notification of the city or any new introduction of waste water constituents or any substantial change in the volume or character of the waste water constituents being introduced into the waste water treatment system;
 - (10) Requirements for notifications of slug discharges as per subsections 30-45(q), and 30-45(r) of this chapter;
 - (11) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable standards.
 - (12) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such compliance schedule may not extend the compliance date beyond applicable federal deadlines.
 - (13) Other conditions as deemed appropriate by the city to ensure compliance with this article.
- (h) *Permit duration.* Permits shall be issued for a specified time period not to exceed five (5) years. The permit period shall be determined by the manager and the permit may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) 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 city during the term of the permit as limitations

or requirements, as identified in section 30-45 of this chapter, 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.

- (i) *Permit transfer.* Waste water discharge permits are issued to a specific operation. A waste water discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- (j) *Baseline monitoring reports.* Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in paragraph (3), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

The industrial user shall submit the information required by the permit application (subsection (d) of this section) and:

- (1) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.
- (2) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste-stream formula set out in 40 CFR 403.6(e).
- (3) *Measurement of pollutants.*
 - a. Identify the categorical pretreatment standards applicable to each regulated process.
 - b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily discharge from each

regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in subsection (l)(3) of this section.

- (4) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required to meet the pretreatment standards and requirements. The baseline monitoring report will be certified by the signature of an authorized representative of the user in a statement which conforms to 40 CFR 403.6(a)(2)(ii).
- (k) *Compliance date report.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of waste water into the POTW, any user subject to pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these units in the user facility which are limited by pretreatment standards and requirements and the average and maximum daily flow for these units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatments 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 user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional on technical information submitted by the user.
- (l) *Other industrial user reports.*
 - (1) *Periodic compliance reports.* The manager may require that any user perform sampling and analyses of wastewaters to ensure compliance with the discharge standards. The results of all monitoring shall be submitted to the approving authority during the months of June and December, unless required more frequently in the categorical pretreatment standards or by the manager. At the discretion of the manager and in consideration of much factors as local high or low flow rates, holidays, budget cycles, etc., the approving authority may agree to alter the months during which the above reports are to be submitted.
 - (2) The manager shall impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases, where the

imposition of mass limitations are appropriate. Dilution of waste water to meet applicable pretreatment standards or requirements is strictly forbidden. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the manager, of pollutant contained therein which are limited by the applicable pretreatment standards.

- (3) All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendment thereto or with any other test procedure approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Comment: Where 40 CFR, part 136, does not include a sampling analytical technique for the pollutant in questions, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator).
- (4) *Reporting violations.* If sampling performed by a user indicates a violation of any regulated parameter, the user shall notify the manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis for that specific pollutant and submit the results to the manager within thirty (30) days of becoming aware of the violation.
- (5) *Hazardous waste notification.* Users shall notify the manager in writing of any discharge which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and type of discharge (continuous, batch, or other).
- (6) *Report certification.* Reports required in this section shall be certified by the signature of an authorized representative of the user in a statement which conforms to 40 CFR 403.6(a)(2)(ii). These reports are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act.
- (7) *Records retention.* The users subject to the reporting requirements of this section shall retain these reports and the information resulting from any monitoring activities for a minimum of three (3) years. The monitoring information shall include: sampling date, time, location, methods, and the name of the person collecting the sample. Analysis information shall include: analysis techniques, dates, results and who performed the analysis. These

reports and this information shall be made available to the city and/or to state or EPA representatives for inspection and copying. The retention period shall be extended for the duration of any litigation or where the user has been specifically notified of a longer retention period by the city.

- (8) *Notification of changed discharge.* All users shall promptly notify the city in advance of any substantial change in the volume or character of pollutants in their discharge.
- (m) *Monitoring facilities.* The city shall require, to be provided and operated at the user's own expense, monitoring facilities to allow inspection sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area 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 preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

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

- (n) *Inspection and sampling.* The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements complied with. Persons or occupants of premises where waste water is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, examination of the records as may be required in subsection (g)(8) of this section or in the performance of any of their duties. The city 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 a security measure in force which requires proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. The manager or his designated agent shall be allowed immediate access to the control manhole for inspection for suspected harmful contributions as described in subsection (q) of this section.

If the manager has been refused access to a user's facility, and if the manager has demonstrated that there is a need to inspect as part of a routine inspection program designed to verify compliance with this

article, or to protect the overall public health, safety and welfare of the community; then upon application by the city, the city municipal judge shall issue a search and/or seizure warrant.

- (o) *Pretreatment.* Users shall provide necessary waste water pretreatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat waste water to a level acceptable to the city 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 city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

The city shall annually publish in the largest daily newspaper in Monroe the names of industrial users which, during the previous twelve (12) months, were significantly violating applicable pretreatment standards or other pretreatment requirements. A significantly violating industrial user is defined in accordance with 40 CFR 403.8(f)(2)(vii), and is one which violates discharge limits, fails to meet compliance schedules, or fails to submit required reports.

All records relating to compliance with pretreatment standards shall be made available to officials of EPA upon request.

- (p) *Confidential information.* Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from city inspection and sampling activities, shall be available to the public without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information will be available to the public without restriction.
- (q) *Harmful contributions.* The manager may suspend the waste water treatment service and/or a

waste water discharge permit when such suspension is necessary, in the opinion of the manager 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, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

Any person notified of a suspension of the waste water treatment service and/or the waste water discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the manager shall take such steps as deemed necessary including immediate severance of the sewer connection, or prevent or minimize damage to the POTW system or endangerment to any individuals. Should it become necessary to immediately sever the sewer connection in order to stop the harmful contributions the manager shall be allowed immediate access to the control manhole if located on the premises of the user. The manager shall reinstate the waste water discharge permit and/or the waste water treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the manager within fifteen (15) days of the date of occurrence.

- (r) *Revocation of permit.* Any user who violates the following conditions of this article or applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of this section:
- (1) Failure of a user to factually report the waste water constituents and characteristics of his discharge;
 - (2) Failure of the user to report significant changes in operations, or waste water constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
 - (4) Violation of conditions of the permit.
- (s) *Notification of violation.* Whenever the manager finds that any user has violated or is violating this article, waste water discharge permit, or any prohibition limitation or requirements contained herein, the manager may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the manager by the user. Submission of the plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
- (t) *Show cause hearing.* The manager may order any user who causes or allows an authorized discharged to enter the POTW 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 reasons 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 to any agent or officer of a corporation.

- (1) The city council may conduct the hearing and take the evidence, or may designate any of its members or any officer, or its attorney or employee of the sewerage department to:
 - a. Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - b. Take the evidence;
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to the city council for action thereon.
- (2) *Transcript.* At any hearing held pursuant to this article, testimony taken shall be under oath and recorded stenographically or by tape. The transcript, so recorded, will be made available to any member of the public or any party of the hearing upon payment of the usual charges thereof.
- (3) *Council's conclusions.* 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 on existing treatment or pretreatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- (u) *Consent orders.* The manager is hereby empowered to enter into consent orders or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the orders.
- (v) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city's waste water disposal system contrary to provisions of this article, federal or state pretreatment requirements, or any order of the city, the city's attorney may commence an action for appropriate legal and/or equitable relief in a court of complete jurisdiction.

(Ord. No. 11,163, 3-8-11)

Sec. 30-47. - Damages and remedies.

- (a) Any person, whether acting singly or in concert with others, who causes damages to persons or property of others or to any public property by reason of any violation of this article shall be liable for the damage so caused.
- (b) Any person found to be violating any provisions of this article shall be served by the manager with official notice stating the nature of 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 violation.
- (c) The manager shall have the authority to post a notice at the principal entrances of any premises where a violation of this article is found, which notice shall set forth the nature of the violation and the sanitary facilities affected thereby and provide a reasonable time limit for the satisfactory correction thereof. It shall be unlawful for any person to use the said facilities beyond the time limit mentioned in the notice unless an extension of time has been obtained from the manager. The posted notice shall not be removed without official notice from the manager.
- (d) The manager shall have authority to disconnect or order disconnection of sewerage service to any premises found to contain plumbing which is unsanitary or unsafe, or which is in violation of this article or of the Code. No person shall knowingly reconnect or use such facilities unless permission to reconnect has been given by the manager by official notice. The nonpayment of the user charge will be considered a violation of this article and the premises will be subject to disconnection of sewerage service.
 - (1) For the second and each subsequent inspection necessitated by defects in facilities for which a permit is sought under sections 30-42 and 30-44 of this chapter, a fee of fifteen dollars (\$15.00) will be assessed or actual costs whichever is greater.
 - (2) For the second and each subsequent inspection in which defects are found on premises within a year of the issuance of the notice pursuant to subsection (b) of this section (whether or not the notice has been temporarily complied with) a fee of twenty-five dollars (\$25.00) will be assessed or actual costs whichever is greater.
 - (3) For the disconnection of the sewerage service to a premise, a fee of fifty dollars (\$50.00) shall be assessed, in addition to any cost incurred by the city in effecting the disconnection and reconnection.

(Ord. No. 11,163, 3-8-11)

Sec. 30-48. - Waiver of provisions of this article.

The manager or any employee of the city shall not have the authority to waive any provision of this

article which is covered by Environmental Protection Agency regulations without EPA approval.

(Ord. No. 11,163, 3-8-11)

Sec. 30-49. - Penalties.

- (a) Any person who intentionally violates any provisions of this article or fails to comply therewith or with any of the provisions thereof, or violates a detailed statement or plans submitted and approved thereunder, shall be guilty of a separate offense for each and every day during which any violation of the provisions of this article is committed or continued, and, upon conviction in a court of competent jurisdiction for any such offense, such persons shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisoned for not more than thirty (30) days or both.
- (b) For every day the accidental discharge goes unreported it shall be deemed a separate offense as covered in subsection 30-45(q) of this chapter.
- (c) In addition to penalties covered in subsection (a), above, the city shall have the right to enter onto private property, both within and outside the corporate city limits, to make repairs on any part of the property owner's system from which any amount of infiltration/inflow as defined in this article, whether permitted intentionally or unintentionally by the property owner, is discharging. The city shall give the property owner seven (7) days from receipt of official notification to comply before this section will take effect.
- (d) The city shall charge any property owner where repairs are performed, as covered in subsection (c) of this section, by city crews for actual cost. This charge will be added to regular water bill. The sewer manager may arrange for a payment plan not to exceed five (5) years at a minimum interest rate of twelve (12) per cent.
- (e) The sewer manager may utilize the methods covered in subsections (d) and (f) of this section.
- (f) Any charge levied will be recorded in the courthouse as a lien on said property. Note that these requirements are in addition to the requirements found in subsection 30-46(q).

(Ord. No. 11,163, 3-8-11)

Sec. 30-50. - Service branches installation.

- (a) All costs and expenses for installation of cleanouts, as required in subsections 30-42(o) and 30-42(w) of this chapter, shall be borne by property owner(s).
- (b) *Single wye service branch.* A fee shall be paid to the city for each cleanout and cleanout box installed at the property line within the city's street right-of-way. This fee shall not include costs for street, driveway, and/or sidewalk cuts. The fee for each cleanout installation shall be

the actual cost of materials and labor or the sum of one hundred twenty dollars (\$120.00), whichever is greater. The fee may be included in the water bill of the property owner for a period of twelve (12) months. If the property owner does not have a monthly water bill, then the fee shall be collected prior to installation.

- (c) *Double wye service branch.* The fee, as covered in subsection 30-50(a) of this chapter, shall be split between two (2) property owners where a common service branch is provided. If one of the properties involved is a vacant or undeveloped lot, then that portion of the fee is delayed until service is provided. When either or both property owners refuse to agree to split the fee, then a new tap(s) should be required of both parties. Cost the new tap is covered in section 30-5 of this chapter.

(Ord. No. 11,163, 3-8-11)

Sec. 30-51. - Industrial user administration fee.

The city may charge fees to users for services rendered in administering the programs in this article. The fees shall be established through the manager and shall compensate the city for activities such as issuing permits, inspecting facilities, sampling and analyzing wastewater and conducting enforcement actions.

(Ord. No. 11,163, 3-8-11)

Sec. 30-52. - Excessive concentration surcharge.

- (a) When BOD, SS, or other pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge shall be added to the user charge. The surcharge shall be computed by the following formula:

$$Cs = (Bc (B)+Sc (S)+Pc (P))Vv$$

Whereas:

Cs = A surcharge for waste waters of excessive strength

Vv = Volume contribution from a user per unit of time

Bc = Operation and maintenance (O&M) cost for treatment of a unit of BOD

B = Concentration of BOD from a user above a base level

Sc = O & M cost for treatment of a unit of SS

S = Concentration of SS from a user above a base level

P_c = O & M cost for treatment of a unit of any other pollutant

P = Concentration of any other pollutant from user above a base level (base level for other pollutants will be determined by manager)

(b) Any connection in which a surcharge is required must have a waste water discharge permit.

(c) The values for the formula given in subsection (a) of this section shall be the following:

C_s = Contained in each waste water discharge permit

B_c = .0751

B = Contained in each waste water discharge permit

S_c = .1031

S = Contained in each waste water discharge permit

P_c = Contained in each waste water discharge permit as % of B_c

P = Contained in each waste water discharge permit

These values shall be reviewed and revised annually.

(d) The surcharge payment shall be considered revenue from sewer user charge to be used for operation and maintenance of the sewer system.

(Ord. No. 11,163, 3-8-11)

Sec. 30-53. - Limitations of funding operation and maintenance.

As required by EPA, all funds necessary for the operation and maintenance of the sewer system must be generated by user charge and by the surcharge as covered in section 30-52 of this chapter.

(Ord. No. 11,163, 3-8-11)

Sec. 30-54. - Administrative appeal.

(a) Any person aggrieved by the application of sections 30-46, 30-51, or 30-52 of this chapter has the right of an administrative appeal to the city council for a declaratory order.

(b) The aggrieved person shall serve notice on city council, in writing, within ten (10) days of the date of the cause of aggrievement. The notice shall include:

(1) A short and plain statement of the matters asserted.

(2) A reference to the particular section(s) of this article involved.

- (c) Service may be by hand or by certified or registered mail, to the Office of the Monroe City Council, Second Floor, City Hall, Post Office Box 123, Monroe, Louisiana; if by mail, the official postmark of the U.S. Postal Service determines date of service. Failure to timely serve notice constitutes waiver of the right of an administrative appeal. Copies will be filed with the city attorney and manager of sewer department.
- (d) The city council shall afford the opportunity for all parties to respond and present evidence on all issues of fact involved and arguments on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- (e) The city council shall notify the aggrieved person within not less than fourteen (14) days of the date, time and place of the administrative appeal. The administrative appeal may be heard at a regular or special meeting of the city council called for that purpose, in the opinion of the city council.
- (f) Unless precluded, informal disposition may be made of any case on administrative appeal by stipulation, agreed settlement, consent order, or default.
- (g) The record in a case on administrative appeal shall include:
 - (1) All pleadings, motions, intermediate rulings;
 - (2) Evidence received or considered or a resume thereof, if not transcribed;
 - (3) Offers of proof, objections, and rulings thereon;
 - (4) Proposed findings and exceptions;
 - (5) Any decision, opinion, or report by the officer presiding at the hearing.
- (h) The city council shall make a full transcript of all proceedings at the administrative appeal prepared and furnished to any party or person upon payment of the cost thereof.
- (i) The decision of the city council on the administrative appeal shall be based exclusively on the evidence and on matters officially noticed.
- (j) A final decision or order shall be in writing or stated in the record. A final decision includes findings of fact and conclusions of law.
- (k) Parties shall be notified, in writing, of any decision or order together with the reasons thereof.
- (l) A person who is aggrieved by a final declaratory order of the city council on an administrative appeal is entitled to a judicial review.
- (m) Proceedings for review may be instituted by filing a petition verified in city court of this city, within thirty (30) days after mailing of notice of the final decision or order. Copies of the petition shall be served upon the city council and all parties of record.
- (n) The filing of the petition does not itself stay enforcement of the decision or order. The city council may grant, or the reviewing court may order, a stay upon appropriate terms.

- (o) Within thirty (30) days after the service of the petition, the city council shall transmit to the reviewing court the original or certified copy of the entire record of the proceeding under review.
- (p) The review shall be conducted by the court without a jury and shall be confined to the record. In case of alleged irregularities in proceedings before the city council which are not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral arguments and receive written briefs.
- (q) The court may affirm the decision or order or remand the case for further proceedings. The court may reverse or modify the decision, if substantial rights of the person have been prejudiced because of administrative findings, inferences, conclusions, or decisions are:
 - (1) In violation of constitutional or statutory provisions;
 - (2) In excess of the statutory authority of the city council;
 - (3) Made upon unlawful procedure;
 - (4) Affected by other error of law;
 - (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwanted [unwarranted] exercise of discretion; or
 - (6) Manifestly erroneous in view of the reliable, probative, and substantial evidence on the whole record.

(Ord. No. 11,163, 3-8-11)

Secs. 30-55—30-60. - Reserved.