

ORDINANCE NO.

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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

(B) In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 15-10-22 SPECIFICALLY PROHIBITED POLLUTANTS.

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

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

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

(25) ground water;~~and~~

(26) drainage water or ground water contaminated by a prohibited pollutant~~[-except as specifically authorized in this chapter]; or~~

(27) swimming pool water or swimming pool filter backwash water.

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

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

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

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

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

~~(2) — daily average limits;~~

~~(3) — daily maximum limits;~~

~~(4) — monthly average limits; or~~

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

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

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

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

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

(a) applies for and receives a discharge permit or other written authorization to discharge;

(b) takes all reasonable measures to determine and use an appropriate discharge flow rate so that the hydraulic carrying capacities of the private and public sewer lines or pipes conveying the wastewater are not exceeded; and

(c) takes all reasonable measures to prevent the discharge of soil, sediment, rock, debris or other solid material that may cause an impediment to flow in the private or public sector lines; and

(2) the director:

(a) assesses the characteristics, volume and concentrations of pollutants;

(b) determines that discharge to the POTW is an appropriate disposal method; and

(c) issues a discharge permit or other written authorization to discharge under this chapter.

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

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

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

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

§ 15-10-30 TOTAL TOXIC ORGANICS.

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

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

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

- (A) ~~[The director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e) if a pretreatment standard is expressed only in terms of either pollutant mass or concentration in wastewater.]~~Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with Subsections 15-10-42(F) and 15-10-42(G).
- (B) ~~[The director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.]~~When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- ~~([B])~~C) The director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.
- ~~([C])~~D) The director may grant a variance to a person subject to a categorical pretreatment standard if the person proves under 40 CFR 403.13 that factors relating to the person's discharge are fundamentally different from the factors considered by EPA in developing the categorical pretreatment standard.
- ~~([D])~~E) The director may grant an adjustment to a person subject to a categorical pretreatment standard under 40 CFR 403.15.
- (F) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the

255 director convert the limits to equivalent mass limits. The
256 determination to convert concentration limits to mass limits is within
257 the discretion of the director. The director may establish equivalent
258 mass limits only if the industrial user meets all the conditions set forth
259 in Paragraphs 15-10-42(F)(1)(a) through 15-10-42(F)(1)(e) below.
260

261 (1) To be eligible for equivalent mass limits, the industrial user
262 must:
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264 (a) employ, or demonstrate that it will employ, water
265 conservation methods and technologies that substantially
266 reduce water use during the term of its individual
267 wastewater discharge permit;
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269 (b) currently use control and treatment technologies adequate
270 to achieve compliance with the applicable categorical
271 pretreatment standard, and not have used dilution as a
272 substitute for treatment;
273

274 (c) provide sufficient information to establish the facility's
275 actual average daily flow rate for all wastestreams, based
276 on data from a continuous effluent flow monitoring
277 device, as well as the facility's long-term average
278 production rate. Both the actual average daily flow rate
279 and the long-term average production rate must be
280 representative of current operating conditions;
281

282 (d) not have daily flow rates, production levels, or pollutant
283 levels that vary so significantly that equivalent mass
284 limits are not appropriate to control the discharge; and
285

286 (e) have consistently complied with all applicable
287 categorical pretreatment standards during the period prior
288 to the industrial user's request for equivalent mass limits.
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290 (2) An industrial user subject to equivalent mass limits must:
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292 (a) maintain and effectively operate control and treatment
293 technologies adequate to achieve compliance with the
294 equivalent mass limits;

- 295
- 296 (b) continue to record the facility's flow rates through the
- 297 use of a continuous effluent flow monitoring device;
- 298
- 299 (c) continue to record the facility's production rates and
- 300 notify the director whenever production rates are
- 301 expected to vary by more than 20 percent from its
- 302 baseline production rates determined in Paragraph 15-10-
- 303 42(F)(1)(c). Upon notification of a revised production
- 304 rate, the director will reassess the equivalent mass limit
- 305 and revise the limit as necessary to reflect changed
- 306 conditions at the facility; and
- 307
- 308 (d) continue to employ the same or comparable water
- 309 conservation methods and technologies as those
- 310 implemented pursuant to Paragraph 15-10-42(F)(1)(a) so
- 311 long as it discharges under an equivalent mass limit.
- 312

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

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- 315 (a) will calculate the equivalent mass limit by multiplying
- 316 the actual average daily flow rate of the regulated process
- 317 or processes of the industrial user by the concentration-
- 318 based Daily Maximum and Monthly Average Standard
- 319 for the applicable categorical pretreatment standard and
- 320 the appropriate unit conversion factor;
- 321
- 322 (b) upon notification of a revised production rate, will
- 323 reassess the equivalent mass limit and recalculate the
- 324 limit as necessary to reflect changed conditions at the
- 325 facility; and
- 326
- 327 (c) may retain the same equivalent mass limit in subsequent
- 328 individual wastewater discharge permit terms if the
- 329 industrial user's actual average daily flow rate was
- 330 reduced solely as a result of the implementation of water
- 331 conservation methods and technologies, and the actual
- 332 average daily flow rates used in the original calculation
- 333 of the equivalent mass limit were not based on the use of
- 334 dilution as a substitute for treatment pursuant to Section

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

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

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

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

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

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

§ 15-10-44 LOCAL LIMITS.

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

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

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

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

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

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

394 (1) a grab sample; or

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

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

- (1) instantaneous ~~[maximum allowable]~~ limits;
- (2) daily average limits;
- (3) daily maximum limits;
- (4) monthly average limits; ~~[øf]~~
- (5) limits of other sampling duration or averaging period; or
- (6) mass limits in accordance with Section 15-10-47 (Assignment of Equivalent Mass Limits for Local Limits, Total Cyanide, Total Toxic Organics or Fat, Oil or Grease).

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

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

- (A) The director may impose mass limitations instead of the concentration limits in Sections 15-10-23 (*Limit on Discharge, Fat, Oil or Grease*), 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-10-30 (*Total Toxic Organics*), or 15-10-44 (*Local Limits*) on an industrial user to prevent or discourage the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is deemed appropriate by the director. A mass local limit imposed on an industrial user under these circumstances is intended to be equivalent to, or more restrictive than, the concentration based limit in Sections 15-10-23 (*Limit on Discharge, Fat, Oil or Grease*), 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-10-30 (*Total Toxic Organics*), and 15-10-44 (*Local Limits*).
- (B) An industrial user may request that the director convert the concentration limits to equivalent mass local limits based on

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

- (1) To be eligible for equivalent mass limits for concentration based limits under these circumstances, the industrial user must:
 - (a) employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (b) currently use control and treatment technologies adequate to achieve compliance with applicable pretreatment standard, and not have used dilution as a substitute for treatment;
 - (c) provide sufficient information to establish the facility's flow rates, based on data from flow monitoring devices or verifiable estimates, as well as the facility's long-term average production rate. Both the average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (d) not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - (e) have consistently complied with the applicable pretreatment standard during the period prior to the industrial user's request for the equivalent mass limit specified.
- (2) An industrial user subject to equivalent mass limits must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 15-10-91 DISCHARGE PERMIT REQUIRED

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

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

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

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

(2) description or address of the location;

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

(4) description of the facility at the location;

(5) nature and characteristics of the proposed discharge;

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

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

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

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

- 599 (1) states that the new owner or operator has no immediate intent to
600 change the facility's operations and processes;
- 601 (2) identifies the specific date on which the transfer is to occur; and
- 602 (3) acknowledges full responsibility for complying with the
603 existing individual wastewater discharge permit.

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

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

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

- 635 (8) ~~type and amount of raw materials processed, including the daily~~
636 ~~average and daily maximum;~~
- 637 (9) ~~a copy of the site, floor, mechanical, and plumbing plans that~~
638 ~~show sewers, floor drains, and pretreatment facilities by size,~~
639 ~~location, elevation, and points of origin; and~~
- 640 (10) ~~time and duration of discharge.~~
- 641 (E) ~~A person assuming ownership, occupancy or management of a~~
642 ~~premises covered by an existing permit shall certify that there has~~
643 ~~been no material change in:~~
- 644 (1) ~~the equipment, facility or process used on the permitted~~
645 ~~premises; or~~
- 646 (2) ~~the character, quantity, rate of flow, or other characteristics of~~
647 ~~the discharge.]~~
- 648 [(F)] The director may waive the [permit] notice and prior approval
649 requirement for the transfer of a permit issued to a user that is not a
650 significant industrial user.

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

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

- 655 [(A)] ~~A person holding a permit shall send written notification to the~~
656 ~~director identifying the authorized representative:~~
- 657 (1) ~~annually;~~
- 658 (2) ~~upon appointment of a different authorized representative;~~
- 659 (3) ~~as otherwise required by the director.~~
- 660 (B) ~~A person shall designate in writing an authorized representative and~~
661 ~~submit the name to the director.~~
- 662 (C) ~~An authorized representative under this section must be either:~~

- 663 (1) ~~an individual; or~~
- 664 (2) ~~for a significant industrial user, a position having responsibility~~
- 665 ~~for the overall operation of the facility from which a discharge~~
- 666 ~~originates, or environmental matters.~~
- 667 (D) ~~If a change in personnel or policy requires a change to the authorized~~
- 668 ~~representative designation, a new designation under this section must~~
- 669 ~~be submitted to the director before or with a report required to be~~
- 670 ~~signed by an authorized representative.]~~

671 If the designation of an authorized representative is no longer accurate

672 because a different individual or position has responsibility for the overall

673 operation of the facility or overall responsibility for environmental matters for the

674 company, a new written designation satisfying the requirements of this chapter

675 must be submitted to the director prior to or together with any reports to be signed

676 by an authorized representative.

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

678 is amended to read:

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

680 A person that does not discharge wastewater that contains industrial waste or

681 other prohibited waste is not required to obtain a permit. The following may be

682 exempt from the requirement to obtain a permit [for the following premises]:

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

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

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

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

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

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

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

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

The director may modify a permit to:

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

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

§ 15-10-111 SIGNIFICANT INDUSTRIAL USERS.

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

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

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

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

777 (7) identification of:

778 (a) pollutants to be monitored;

779 (b) sampling locations;

780 (c) sampling frequency; and

781 (d) sample type; and

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

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

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

789 (1) a limit on:

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

791 (b) time of discharge;

792 (2) flow regulation and equalization requirements;

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

796 (4) requirements for:

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

799 (b) the installation of pollution controls; or

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

803 (5) ~~[development and implementation requirements for a slug~~
804 ~~control plan, including management practices necessary to~~
805 ~~adequately prevent accidental or unanticipated discharges;~~
806 6] development and implementation requirements for a waste
807 minimization plan to reduce the amount of pollutants
808 discharged to the POTW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i) instantaneous;~~

~~(ii) daily maximum; and~~

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

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

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

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

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

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

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

(a) identification of the nature and concentration or mass of regulated pollutants in the discharge from the regulated process

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

(i) instantaneous;

(ii) daily maximum; and

(iii) average concentration or mass;

(b) all sample records including:

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

(ii) the dates analyses were performed;

(iii) who performed the analyses;

(iv) the analytical techniques and methods used; and

(v) the results of such analyses;

(9) ~~[a statement reviewed by its authorized representative and certified to by a qualified technician indicating:]~~ in cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to demonstrate the compliance status of the user;

(10) a statement reviewed by its authorized representative and certified to by a qualified technician indicating:

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

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

~~[(10)]~~ (11) a compliance schedule, if applicable.

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

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

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

~~(2) measurement of pollutants;~~

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

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

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

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

~~(i) instantaneous;~~

~~(ii) daily maximum; and~~

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

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

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

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

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

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

§ 15-10-158 PERIODIC REPORTS.

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

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

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

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

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

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

1134 **PART 29.** Subsection (A) of Section 15-10-165 (*Records Retention*) of the City
1135 Code is amended to read:
1136

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

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

1146 (2) the dates analyses were performed;

1147 (3) who performed the analyses;

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

1149 (5) the results of such analyses.
1150

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

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

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

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

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

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

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

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

_____.”

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

§ 15-10-182 REQUIRED SAMPLE COLLECTION TECHNIQUES.

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

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

1198 (B) ~~[If the director determines that flow proportional sampling is not~~
1199 ~~feasible, the director may authorize the use of:~~

1200 ~~(1) — time proportional sampling;~~

1201 ~~(2) — sampling of a minimum of four grab samples; or~~

1202 ~~(3) — other applicable approved sampling procedure provided that the~~
1203 ~~procedure collects a representative sample of the discharged~~
1204 ~~effluent]~~

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

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

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

1225 **PART 32.** Section 15-10-184 (*Sampling Requirements*) of the City Code is
1226 amended to read:
1227

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

- 1229 (A) A person shall use wastewater samples representative of actual
1230 discharge as the basis of a periodic report filed with the director.
- 1231 (B) A person shall maintain and operate wastewater monitoring and flow
1232 measurement facilities in good working order. A user may not submit
1233 a sample result that is not representative of an operation's discharge
1234 based on the user's failure to keep its monitoring facility in good
1235 working order. A user's failure to keep its monitoring facility in good
1236 working order shall not be grounds for the user to claim that sample
1237 results are unrepresentative of its discharge.
- 1238 (C) A person subject to [~~categorical~~] reporting requirements under this
1239 article shall include the results from all approved methods used to
1240 monitor a pollutant in the periodic report to the director, including
1241 results obtained by monitoring conducted more frequently than
1242 required by the director.
1243

1244 **PART 33.** Section 15-10-191(*Definitions*) of the City Code is amended to amend
1245 (2), the definition of "Approved Liquid Waste" to read:
1246

- 1247 (2) APPROVED LIQUID WASTE means liquid waste approved by the
1248 director for disposal at an approved receiving station operated by the
1249 City including:
- 1250 (a) septic tank waste;
- 1251 (b) chemical toilet waste;

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

(d) other liquid waste approved by the director.

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

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

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

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

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

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

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

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

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

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

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

(10) discharges hazardous waste at a receiving station not permitted to receive hazardous waste under the RCRA;

(11) discharges liquid waste collected from one or more generators into a service line, cleanout, ~~[sampling]~~ sample port, manhole, or other device that discharges into the POTW and is owned or operated by a third person;

(12) discharges grease trap waste, grit trap waste, or other liquid waste removed from a grease trap or grit trap into the device from which it was removed or any other device; ~~[or]~~

(13) discharges grease trap waste, grit trap waste, or other liquid waste that has been physically or chemically treated, separated, commingled with other liquid waste, or otherwise altered, into a grease trap, grit trap, or other device while or after the device is being serviced; or

(14) discharges liquid waste at a City owned or operated approved receiving station using a vehicle that has previously been used to transport waste from a grit trap or hold haul tank without adequately cleaning, verifying, and demonstrating to the director that the vehicle contained only approved liquid waste prior to the discharge.

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

(A) A person who discharges wastewater from a grease trap to the POTW shall:

(1) completely remove all fat, oil, or grease waste, other liquid waste, semi-solid or solid and residue from the grease trap when the grease trap is cleaned; ~~[-and]~~

(2) clean the grease trap the earlier of:

(a) at least every ~~[three months]~~ ninety days; or

(b) when 50 percent or more of the wetted height of the grease trap, as measured from the bottom of the grease

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1374 (a) a person provided with utility service by the City at a
1375 specified service address;
- 1376 (b) an owner of property connected to the City's utility
1377 service at a specified service address; or
- 1378 (c) a person who receives the benefit of the City's utility
1379 service.
- 1380 (3) LARGE-DIAMETER CLEANOUT means an access into a
1381 building sewer located at or near a building tap that would
1382 allow inspection and maintenance of the wastewater service
1383 connection.
- 1384 (4) PRIVATE LATERAL has the meaning assigned in Section 15-
1385 11-2 (Definitions).
- 1386 ([4]5) ~~[MINI-MANHOLE]~~ SAMPLE PORT means an access into [the
1387 City sewer system located on a wastewater service connection]
1388 either a public or private sewer system at a location that would
1389 allow inspection, flow monitoring and the collection of
1390 representative wastewater samples.
- 1391 ([5]6) WASTEWATER MANHOLE means an access into the City
1392 sewer system located on a public sewer main.
- 1393 ([6]7) WASTEWATER SERVICE CONNECTION means that part of
1394 the City sewer system extending from the building tap to the
1395 public sewer main.
1396
- 1397 **PART 40.** Section 15-10-222 (*Manhole Required*) of the City Code is amended to
1398 read:
1399
- 1400 **§ 15-10-222 MANHOLE REQUIRED.**
- 1401 (A) A customer shall construct a wastewater manhole ~~[on]~~ connecting the
1402 sewer system of a building, structure, facility, or installation ~~[built or~~
1403 ~~modified to:]~~ in compliance with the City's Utilities Criteria Manual.
- 1404 ~~[(1) discharge a pollutant required to be permitted under this~~
1405 ~~chapter;~~

- 1406 (2) ~~contain more than 15 dwelling units or guest units;~~
1407 (3) ~~be served by a water meter greater than two inches in diameter;~~
1408 or
1409 (4) ~~be served by a building sewer main greater than four inches in~~
1410 ~~diameter.]~~

1411 (B) A customer shall construct a wastewater manhole ~~[or mini-manhole]~~
1412 at the customer's expense.

1413 ~~[(C) A customer required by Subsection (A) to install a control manhole~~
1414 ~~shall install the manhole at the customer's expense as part of the~~
1415 ~~customer's plumbing system. A control manhole must be accessible~~
1416 ~~to the utility at all times to allow maintenance of the wastewater~~
1417 ~~service connection, discharge sampling, flow monitoring, and~~
1418 ~~inspection.]~~

1419 ~~[(D)]~~(C) A wastewater manhole ~~[, mini-manhole, or control manhole]~~
1420 constructed under this section must conform to standards and
1421 specifications approved by the director.

1422 **PART 41.** Section 15-10-223 (*Alternate Construction*) of the City Code is
1423 amended to read:

1424 **§ 15-10-223 ~~[ALTERNATE CONSTRUCTION]~~ LARGE DIAMETER**
1425 **CLEANOUT REQUIRED.**

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

1435 (B) If installed on the City's side of the wastewater service connection,
1436 the large diameter cleanout constructed must conform to standards
1437 and specifications of the City's Utilities Criteria Manual.

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

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

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

§ 15-10-224 OWNERSHIP AND MAINTENANCE.

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

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

(1) construction is completed;

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

(3) the customer pays all inspection fees.

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

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

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

A customer shall:

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

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

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

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

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

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

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

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

- (1) a common building drain line connected to the sanitary sewer;
- (2) each drain line connected to the sanitary sewer, if the property has more than one drain line; or
- (3) a drain line installed for collection of representative samples.

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

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

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

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

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

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

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

§ 15-10-271 NOTICE OF VIOLATION.

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

- (1) this chapter;
- (2) the conditions of a permit or order issued under this chapter; or
- (3) other pretreatment standard or requirement.

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

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

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

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

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

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

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

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

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

(b) 1.2 for other pollutants except pH;

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

- 1570 through, including endangering the health of POTW personnel
1571 or the general public;
- 1572 (4) discharge of pollutants that has caused imminent endangerment
1573 to the public or to the environment, or that otherwise has
1574 resulted in the City's exercise of its emergency authority to halt
1575 or prevent the discharge;
- 1576 (5) failure to meet, no later than the 90th day after the scheduled
1577 date, a compliance schedule milestone contained in a permit or
1578 enforcement order for starting construction, completing
1579 construction, or otherwise attaining final compliance;
- 1580 (6) failure to provide no later than the 30th day after the due date, a
1581 required report, including a baseline monitoring report, 90-day
1582 compliance report, periodic self-monitoring report, and a report
1583 on compliance with a compliance schedule;
- 1584 (7) failure to accurately report noncompliance; or
- 1585 (8) other violation, which may include a violation of best
1586 management practices, that the director determines has or may
1587 adversely affect the operation or implementation of the
1588 pretreatment program.
- 1589 (B) The director shall annually provide public notice of [~~publish public~~
1590 ~~notification in the largest daily newspaper published in the City~~] a list
1591 of the users that the director has determined to be in significant
1592 noncompliance with applicable pretreatment requirements during the
1593 previous 12 months by publishing the list in a newspaper of general
1594 circulation in the City or alternatively, with the Approval Authority's
1595 permission, by means of electronic media intended to reach the largest
1596 number of members of the general public in the City.

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

1598

1599 **PASSED AND APPROVED**

1600

1601 §

1602 §

1603 _____, 2020

§ _____

1604 Steve Adler

1605 Mayor

1606 **APPROVED:** _____

ATTEST: _____

1607 Anne L. Morgan

Jannette S. Goodall

1608 City Attorney

City Clerk