

TITLE 8

**WATER AND SEWER**

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CHAPTER 1

**WATER AND SEWER SERVICES**

SECTION:

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8-1-1: **WATER AND SEWER DEPARTMENT ESTABLISHED:** There is hereby established a Water and Sewer Department which shall be under the supervision of the Maintenance Department. The Department shall be responsible for the management, maintenance, care and operation of the waterworks and sanitary sewerage system of the City.

8-1-2: **PERMIT REQUIRED:** No person shall make or use any water or sewer service installation connection to the City water or sewer system except pursuant to application and permit as provided in this Chapter. No person shall make or use any such installation contrary to the regulatory provisions of this Title.

8-1-3: **APPLICATION FOR SERVICE; FEES AND DEPOSIT:**

- A. Service Installation: Application for a service installation shall be made by the owner of the property to be served or by owner's agent.
- B. Water Service: When a water service connection has been installed, application for water service may be made either by the owner or his agent, and the tenant or occupant of the premises will be considered Owner's agent for these purposes.
- C. Agreement To Conform: By applying for such service, the owner and applicant agree to conform to this Title and to rules and regulations that may be established by the City as conditions for the use of water.
- D. Fees; Deposit: The applicant shall, at the time of making application, pay to the City the amount of the fees or deposit required for the installation of the service connection as required by the City.

8-1-4: **LICENSED CONTRACTOR REQUIRED:** A permit for construction and connection of the extension between a building drain and the sewer main or stub (herein called the building sewer), or between the building water service pipes and a water main or stub shall be issued only upon application by a licensed sewer and water contractor who has furnished a bond to the Clerk-Treasurer.

8-1-5: **BOND REQUIREMENT:** The licensed sewer and water contractor shall furnish a bond in the amount of five thousand dollars (\$5,000.00) conditioned so as to secure compliance by the principal with the provisions to this Chapter and to further secure performance by such contractor of all work undertaken within the City.

8-1-6: **INSURANCE REQUIREMENTS:**

- A. Property Damage; Public Liability: Before undertaking the construction work authorized by the permit, the contractor shall secure and maintain a policy of insurance against damage to property or injury or death to persons.
- B. Indemnification Of City: The policy shall indemnify and save harmless the City and its personnel against any claim, damages, or cause of action rising out of the work and from any expenses of defending the same.
- C. Minimum Policy Limits: The property damage insurance shall be in the amount of at least six hundred thousand dollars (\$600,000.00) and the public liability damage for injury or death shall be in the amount of at least one hundred thousand dollars (\$100,000.00) per claimant and three hundred thousand dollars (\$300,000.00) for any number of claims per occurrence.
- D. Proof Of insurance: Proof of such insurance shall be filed with the City prior to construction work.
- E. Notice Of Termination Or Modification: Such policy shall provide that the City shall be notified not less than 30 days prior to any termination or modification of such insurance.
- F. Inadequate Limits; Indemnification: If the insurance coverage is inadequate in amount, the contractor shall indemnify and save harmless the City and its personnel in like manner.

8-1-7: **INSTALLATION AND CONNECTION COSTS:** The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. He shall indemnify the City for any loss or damage directly or indirectly caused by its installation and connection.

8-1-8: **PROHIBITION OF PRIVATE DRINKING WATER WELLS:**

- A. The City Council of the City of Sartell finds that it is necessary, to protect the integrity of the City Water Utility and to ensure adequate water supplies to meet the health, safety and welfare needs of the City and its residents, to prohibit the use of private wells for domestic drinking water use on properties served by the City water system.
- B. Definitions:

**Domestic drinking water use** means water used for drinking or potable water, but shall not include water from wells drilled for such purposes as irrigation, dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

**Irrigate** means to supply (land) with water by any artificial means, as by diverting streams, flooding, or spraying, to moisten or wet.

**Private Wells for Domestic drinking use** means any well not owned by the City Water Utility which is drilled for human consumption as drinking water. "Private Wells for Domestic drinking use" shall not include wells drilled for such purposes as irrigation, dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

- C. The drilling of new private wells for domestic drinking use on any property to which City Water Utility Service is available within 1,000 feet is prohibited.

8-1-9: **SERVICE CONNECTION CHARGES:**

- A. Permit Required: No connection shall be made to the City water or sanitary sewer system without a permit received from the Clerk-Treasurer.
- B. Permit Fee: The fee for each such permit shall be established by Council resolution or Fee Schedule Ordinance. These fees shall be in addition to any fees required under the following subsections C, D and E.
- C. Connection Fees: When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the City an amount not less than the cost of making the necessary connections, taps and installations of pipe and appurtenances to provide service to the property and the necessary street repairs.
- D. Main Construction Costs: No permit shall be issued to connect with any water or sanitary sewer main unless the City determines one of the following assessments has been collected or the payment required under subsection E below is made:
  - 1. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or
  - 2. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
  - 3. That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the City.
- E. Additional Connection Fee: If a charge or assessment under D above has not been made, the City will determine the connection fee based upon current City assessment rates and fee schedule rates.
  - 1. Notice Of Proposed Connection Fee; Before the Clerk-Treasurer makes a final determination of the additional connection fee under this subsection, the Clerk-Treasurer shall submit a written notice to the applicant stating the amount of the proposed connection fee and the basis of its calculation.
  - 2. Request For Hearing: The notice shall also state that the applicant may, within ten (10) days of receipt of the notice, demand a hearing on the matter.
  - 3. Hearing: If the applicant requests a hearing within that time, a hearing shall be held on the matter by the City Council.
  - 4. Findings Of Council: If as a result of the hearing the City Council finds that the proposed connection fee complies with the requirements of subsection E, they shall so determine. If they determine that the proposed fee is incorrect, they shall make a determination of the proper amount of the fee.
  - 5. Payment Required: No connection shall be made without payment of the connection fee determined after the hearing or determined after the expiration of ten (10) days from the receipt of the notice when there has been no request with that time for a hearing.

8-1-10: **ACCOUNTING; BILLING; COLLECTING:**

- A. Owner Responsibility: All accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to owner's property, whether owner is occupying the property or not and any charges unpaid shall be a lien upon the property.
- B. Bills For Service: Water, storm water and sewer service charges shall be billed together. Bills shall be mailed to the customers bimonthly and shall specify the water consumed and the sewer and storm water charges in accordance with the then current fee schedule Ordinance.
- C. Penalties. A late payment penalty as set out in the City's fee schedule shall be assessed on all accounts with a past due balance.
- D. Shut-off for nonpayment. Water shall not be shut-off until notice and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.
  - 1. If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water service to the premises will be shut off for nonpayment.
  - 2. The second bill and shut-off notice shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.
  - 3. The notice shall also state that any occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of utility billing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.
  - 4. If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.
  - 5. If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have been due and unpaid for at least 30 days.
- E. Certification for collection with taxes. Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.
- F. The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.
- G. A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

- H. For each certification sustained, the property owner shall have the following options after the hearing,
1. To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date.
  2. To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the assessment roll adoption of the City Council, accrued beginning on eleventh day following the hearing date through the date of payment.
  3. To pay the certified charges as billed to them by the County on their property tax statement with a collection term of one year.
- I. Disconnection of City Water Utility
1. Any City water service customer or property owner responsible for paying for water service desiring to discontinue the use of City water must make a request to disconnect the service to the Water and Sewer Department. The Water and Sewer Department will have the service shut off by authorized personnel.
  2. No unauthorized person will shut off the water service.
  3. A fee, to be determined from time to time by ordinance of the City Council, will be charged for disconnecting service. A separate fee will be charged for restoring service.
  4. The Public Works Director, to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist:
    - a. The property is vacant;
    - b. The property is unsecured;
    - c. The property is determined to be uninhabitable or unsuitable for occupancy;
    - d. Other utilities to the property providing heat and/or light have been shut off;
    - e. The property has plumbing that is failing or unsafe; or
    - f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property.
    - g. The property owner or occupant has refused access by authorized officials as authorized by this Section.

8-1-11: **MAINTENANCE OF SERVICE LINES:** The owner shall bear the entire cost of all maintenance and repairs of the building sewer and water service lines from the main to the building. This shall include the cost of the street and boulevard restoration.

8-1-12: **WATER AND SEWER AVAILABILITY CHARGE**

A. Definitions

For the purpose of this article, the following phrases will have the following respective meanings.

WATER AVAILABILITY CHARGE (WAC)                      A development impact fee assessed for water storage, supply, and connection rights to the City water mains.

SEWER AVAILABILITY CHARGE (SAC)                      A developmental impact fee assessed for reserve capacity, sewage treatment, and connection rights to the City sanitary sewer system.

B. Purpose and Intent

- (a) Based upon the existing and increasing demand placed upon the infrastructure of the City's water and sewer system, an applicant for building permit to construct a new structure or convert an existing structure to: (i) a residential unit, including single-family, two-family, mobile homes, dormitories, or boarding rooms, (ii) a commercial, Industrial, or institutional unit, (iii) conversion of an existing structure from an accessory to primary use resulting in increased water usage on sewer discharge, or (iv) adding to an existing structure resulting in increase water usage or sewer discharge, will be required to pay a Sewer Availability Charge and Water Availability Charge.
- (b) Such charges are designed to offset the impact of new development and increase demand placed upon the municipal utilities.
- (c) Revenues received from such charges will be designated to the sewer and water depreciation fund for replacement and upgrading of the infrastructure of the sewer and water system resulting from the increased impact.
- (d) No connection shall be made into the municipal water or sanitary sewerage system without a permit from the city engineer and no such permit shall be issued until after the payment of a connection fee.

#### C. Rates and Charges

The criteria for the fees and the amount of the WAC and SAC shall be established, from time to time, by City Council resolution.

- (a) The City Administrator or his designee shall receive all monies from applicants for building permits in which the above mentioned conditions are met.
- (b) Upon payment by the building permit applicant for the WAC and SAC, the City Administrator shall give such a person a receipt and endorse on the proper places of such receipt the time and amount of payment.
- (c) It shall be the duty of the City Administrator or his designee to preserve copies of statements delivered to the City by the applicant and which records shall be kept with the records of the official City.

#### D. Reserve Clause

The City reserves the right to review the assigned WAC and SAC one year after the user has commenced water usage and sewer discharge to determine if the assignment was proper and justified.

## CHAPTER 2

### WATER SYSTEM

#### SECTION:

- 8-2-1: Plumbing Regulations
- 8-2-2: Water Meters
- 8-2-3: Turning On Water; Tapping Mains
- 8-2-4: Supply From One Service
- 8-2-5: Private Water Supply; Cross-Connection Prohibited
- 8-2-6: Repair Of Leaks
- 8-2-7: Discontinuance Of Service
- 8-2- 8: Restricted Hours
- 8-2- 9: Permitting Use By Others Restricted
- 8-2-10: Fire Hydrants
- 8-2-11: Water Rates
- 8-2-12: Water Emergency
- 8-2-13: Yard Sprinkling Conservation Plan

#### 8-2-1: **PLUMBING REGULATIONS:**

- A. Service Pipes: Every service pipe shall be laid with sufficient bend to allow not less than one foot (1') of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight and one-half feet (8 ½") below the surface and be so arranged as to prevent rupture by freezing.
- B. Shutoff; Stop Cock: A shutoff or other stop cock with waste valve of the size and strength required shall be placed to the inside wall of the building and will be protected from freezing.
- C, Service Two inches And Under: Copper tubing shall be used for all services of two inches (2") or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to seventy feet (70') in length. Each joint shall be left uncovered until inspected by the City.
- D. Service Over Two Inches: Every service over two inches (2") shall be cast iron. Connections with the mains for domestic supply shall be at least an inch (1").
- E. Curb Stop Boxes: Curb stop boxes shall be installed generally where desired by the owner of the occupied properties, but shall be placed as near as possible to the curb if on a street or within one foot (1') of an alley line if the main is located in the alley. Stop boxes shall be installed at an approximate depth of eight and one-half feet (8.5') below the established grade and shall be left in an accurate vertical position when backfilling is completed. (1981 Code § 402.03)

#### 8-2-2: **WATER METERS:**

- A. Meters Required: Except for the extinguishment of fires, no person other than an authorized City employee shall use water from the City water supply system or permit water to be drawn there from unless the water passes through a meter supplied or approved by the City. No person not authorized by the Maintenance Department shall connect, disconnect, take apart or in any manner change or interfere with any such meter or its use.
- B. Charge for Meter: A charge shall be made to owners for new water meters and for replacement water meters due to the negligence of the owner or owner's property manager, and payment for



meters shall be made in advance before delivery for installation. Water meters shall be equipped with remote reading devices. The charge of the meter is established in the City's fee schedule.

C. Installation: Every water meter shall be installed in accordance with the following provisions:

1. The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be twelve inches (12") above the floor.

2. The bottom of the meter shall be between six inches (6") and twelve inches (12") horizontally from the inside line of the basement well unless a different position is approved by the Maintenance Department. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

3. Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than twelve inches (12") of pipe be exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter.

4. The water pipe connecting with the main shall not exceed two feet (2') under the basement floor from the inside of the basement wall to the water meter connection.

5. Meter setting devices for five-eighths inch (5/8"), three-fourths inch (3/4") and one inch (1") meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop and waste valve on the building side. (1981 Code § 402.03)

D. Maintenance, Repair, and Replacement: The City shall maintain and repair or replace any meter that has become unserviceable through ordinary wear and tear. Where repair or replacement is made necessary by act, neglect, or carelessness of the owner or occupant of the premises it serves, any City expense caused thereby shall be charged against and collected from the water consumer. Water service may be discontinued until the cause is corrected and, the amount charged is paid.

E. Complaints; Meter Testing: When a consumer complains that the bill for any past service period is excessive, the City shall have the meter reread on request. If the consumer remains dissatisfied, such consumer may, on written request and a deposit as established by Council resolution, have the meter tested. If the test shows an error in the City's favor exceeding five percent (5%) of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

F. City Property: Water meters are and shall remain the property of the City and may be removed or replaced by an authorized City employee when deemed necessary.

G. Access to Meters: Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system for reading, servicing, or inspecting meters. If City employees make repeated attempts to access a meter, and are not provided access to the meter, water service may be disconnected.

8-2-3: **TURNING ON WATER; TAPPING MAINS:** No person except an authorized City employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a City permit. (1981 Code § 402.01)

8-2-4: **SUPPLY FROM ONE SERVICE:** No more than one house or building shall be supplied

from one service connection except by special permission from the Council. (1981 Code § 402.01)

8-2-5:           **PRIVATE WATER SUPPLY; CROSS-CONNECTION PROHIBITED:** No water pipe of the City water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When any such connection is found, the Maintenance Department shall notify the owner to sever the connection and if this is not done immediately, the City shall turn off the water supply forthwith. Before any new connection to the City system is permitted, the Department shall ascertain that no cross-connection will exist when the new connection is made. (1981 Code § 402.01)

8-2-6:           **REPAIR OF LEAKS:**

- A.     Responsibility Of Owner: The owner shall be responsible for maintaining the service pipe from the water main including the corporation stop, curb stop and box into the building served.
- B.     Failure To Repair: If the owner fails to repair any leak in such service pipe within twenty four (24) hours after notice by the City, the City may turn the water off. The water shall not be turned on again until the sum as established by Council resolution has been paid to the City.
- C.     Waste Of Water; Damage: When the waste of water is great or damage is likely to result from the leak, the City shall turn the water off immediately upon giving of notice if repair is not commenced immediately. (Ord. 83-1, 2-28-1983)

8-2-7:           **DISCONTINUANCE OF SERVICE:**

- A.     Repairs: The City may discontinue service to any water consumer without notice for necessary repairs.
- B.     Nonpayment Of Charges: The City may discontinue service to any water consumer, upon notice as provided in subsection 8-1-10D of this Title, for nonpayment of charges or for violation of rules and regulations affecting utility service. (1981 Code § 402.01)

8-2-8:           **RESTRICTED HOURS:**

- A.     Determination Of Shortage: Whenever the Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the time and hours during which City water may be used for sprinkling, irrigation, car washing, air conditioning or other specified uses.
- B.     Notice To Users: After publication of the resolution or two (2) days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution. (1981 Code § 402.01)
- C.     Violation: Any customer who uses water in violation of the resolution shall be charged as provided in Section 1-4-1 of this Code for each day of violation and the charges shall be added to such user's next water bill. (1981 Code § 402.01; 1997 Code)
- D.     Emergency: If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided in subsection C of this Section.
- E.     Continued Violation: Continued violation shall be cause for discontinuance of water service. (1981 Code § 402.01)

8-2-9:           **PERMITTING USE BY OTHERS RESTRICTED:** No person shall permit City water to be used for any purpose except upon such person's own premises except in an emergency and then

only if written permission is first obtained from the Maintenance Department. (1981 Code § 402.01)

8-2-10:           **FIRE HYDRANTS:** No person other than an authorized City employee shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority to do so from the City Engineer and/or Public Works Director. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Engineer and/or Public Works Director for such services. (1981 Code § 402.01)

8-2-11:           **WATER RATES:**

- A.     Base Charge: Each water user shall pay a base charge if connected to the city's water system, as established by Council resolution.
- B.     Rate Schedule: In addition, each water user shall pay for water used each bimonthly period as established by Council resolution. (Ord. 86-5, 11-10-1986, eff. 1-1-1987)
- C.     Senior Citizen Rate: The Council may establish, by resolution, rates for senior citizens age sixty five (65) and older. (1981 Code § 402.04)

8-2-12:           **WATER EMERGENCY:** Whenever necessary to meet a water shortage, the City Administrator may declare a water emergency and promulgate reasonable rules and regulations for the use of water. (Ord. 95-6, 11-27-1995)

8-2-13:           **YARD SPRINKLING CONSERVATION PLAN:** City water may be used for irrigation during the year subject to the following:

- A.     Even-Numbered Addresses: All properties with an address ending with an even number may use city water for irrigation purposes on even-numbered dates only.
- B.     Odd-Numbered Addresses: All properties with an address ending with an odd number may use city water for irrigation purposes on odd-numbered dates only.
- C.     Private Wells Exempt: The requirements of subsection A and B of this Section shall not apply to irrigation with privately owned wells.
- D.     New Lawns and Trees: All properties that have seeded or sodded their yard or have planted new tree (s) and wish to irrigate daily, may apply for an exemption through City Hall from subsections A and B of this Section for a period of thirty (30) days.
- E.     Penalty: Any violation of this Section shall be a petty misdemeanor (Ord. 99-3, 4-12-99)

## CHAPTER 3

### SEWER USE CODE

#### **Section 360:00. Purpose and Policy.**

This Sewer Use Ordinance (SUO) sets forth uniform requirements for discharges into the St. Cloud Wastewater Treatment System (SCWWTS), a publicly owned system of interceptors and a Wastewater Treatment Facility (WWTF), for the conveyance, treatment and disposal of domestic waste, industrial waste and other waste from residential, commercial, institutional and industrial users in the SCWWTS service area. The SUO enables the City of Sartell (City) to comply with all State (Minnesota Pollution Control Agency) and Federal (U.S. Environmental Protection Agency) laws.

#### **The objectives of this ordinance are:**

- 1) To prevent the introduction of pollutants to the SCWWTS that will interfere with the operation of the treatment process or the beneficial reuse or disposal of the biosolids;
- 2) To prevent the introduction of pollutants to the SCWWTS that will pass through the system inadequately treated, into receiving waters, atmosphere, or otherwise be incompatible with the system;
- 3) To comply with Federal (EPA) and State (MPCA) rules and regulations in to maintain eligibility for federal and state grants and loans for construction for improvements or upgrades; and
- 4) To improve the ability to recycle and reclaim wastewater and biosolids from the system.

The ordinance provides for the regulation of discharges to the SCWWTS through; the issuance of permits to specific users and through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the method of setting fees necessary to carry out the programs established herein.

The ordinance shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the SCWWTS. Except as otherwise provided herein, the Public Works Director (Director) shall administer, implement and enforce the provisions of this ordinance.

#### **Section 360:05. Definitions.**

Subd. 1. Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings hereinafter designated.

Subd. 2. "Act" means the Federal Water Pollution Control Act, as amended, commonly referred as the Clean Water Act, United States Code, Title 33, Sections 1251, et. Seq.

Subd. 3. "Biosolids" means the nutrient-rich organic, treated and tested residuals from the wastewater treatment process that meet federal and state standards for beneficial reuse as a fertilizers and as a soil conditioner.

Subd. 4. "Best Management Practices" (BMP's) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMP's also include treatment requirements, operating procedures, and

practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Subd. 5. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 6. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

Subd. 7. "Carbonaceous Biochemical Oxygen Demand ( $C_{BOD_5}$ )" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/l).

Subd. 8. "CFR" – The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

Subd. 9. "Chemical Oxygen Demand" or "COD" is a measure of the oxygen equivalent of that portion of organic matter that is susceptible to oxidation by a strong chemical oxidant, using EPA approved laboratory procedures.

Subd. 10. "City" means the City of Sartell or the City Council of Sartell or the Public Utility.

Subd. 11. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

Subd. 12. "Control Authority" means the City of St. Cloud.

Subd. 13. "Director" means the City of Sartell's Public Works Director or authorized agent.

Subd. 14. "Domestic Waste" means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities.

Subd. 15. "EPA" means the United States Environmental Protection Agency.

Subd. 16. "Flow" means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 17. "General Pretreatment Regulations" means the general pretreatment regulations for existing and new sources of pollution promulgated by the EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 18. "Indirect Discharge" means the introduction of pollutants or wastes into the SCWWTS from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 19. "Individual Sewage Treatment System Permits" means the permit required of a person to construct a private wastewater disposal system.

Subd. 20. "Industrial Discharge Permit or Permit" means a permit issued by the City to an Industrial User authorizing them to use the SCWWTS as established herein.

Subd. 21. "Industrial Waste" means solid, liquid, or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource.

Subd. 22. "Industrial User" means any person who discharges industrial waste into the SCWWTS.

Subd. 23. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the WWTF, its treatment processes, operations or solids processes, use or disposal and, therefore, is a cause of a violation of any requirement of the WWTF's NPDES Permit or of the prevention of biosolids use or disposal with statutory provisions and regulations or permits.

Subd. 24. "Leachate" means wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.

Subd. 25. "Liquid Waste" means wastewater that is collected from residential units, commercial/industrial buildings and institutions within the community.

Subd. 26. "Liquid Waste Hauler" means a user that transports waste for the purpose of discharge to the WWTF.

Subd. 27. "Local Limits" means discharge limitations established by the City to protect the wastewater treatment process, infrastructure and the beneficial reuse of biosolids.

Subd. 28. "MPCA" means the Minnesota Pollution Control Agency.

Subd. 29. "MRP" means a Mercury Reduction Plan to ensure the maximum allowable mercury loading to the WWTF is not exceeded.

Subd. 30. "National Pollutant Discharge Elimination System (NPDES) Permit" means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd. 31. "Non-Domestic Nutrient Contributor (NDNC)" means any non-domestic (as defined by subd. 12 Domestic Waste) wastewater source which is determined to contribute nutrients (as defined by subd. 32 Nutrients).

Subd. 32. "Nutrients" means elements and substances which are required to support living plants and organisms, including carbon, hydrogen, nitrogen, oxygen, and phosphorus.

Subd. 33. "Ordinance" means the set of rules contained herein governing the discharge of wastewater to the SCWWTS.

Subd. 34. "Permittee" means an Industrial User authorized to discharge industrial waste into the SCWWTS pursuant to an Industrial Discharge Permit.

Subd. 35. "Person" means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or

governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

Subd. 36. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of a solution. It is a measure of the acidity or basicity of a waste.

Subd. 37. "Phosphorus Management Plan" means the strategy used by the City, including pretreatment and operational procedures, to reduce the amount of phosphorus discharged to the environment.

Subd. 38. "Phosphorus Reduction Strategy (PRS)" means the process of reporting, evaluating and reducing the amount of phosphorus discharged to the WWTF.

Subd. 39. "Pretreatment" means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the SCWWTS. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 40. "Pretreatment Standards" means standards for industrial groups (categories) promulgated by the EPA pursuant to the Act which regulates the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to such standards.

Subd. 41. "Public Utility" means the unit of municipal government and its people responsible for the operation of the SCWWTS and this ordinance.

Subd. 42. "Sanitary Sewer" means a sewer which carries wastewater, and to which storm, surface and groundwater are not intentionally admitted.

Subd. 43. "St. Cloud Area Wastewater Advisory Committee (SCAWAC)" is an advisory group whose objectives are to share information, improve understanding of regional wastewater issues and to improve the level of cooperation in the resolution of regional wastewater issues.

Subd. 44. "St. Cloud Wastewater Treatment System (SCWWTS)" means POTW (Publicly Owned Treatment Works) which is the treatment system as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal solids residuals or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the WWTF. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment system.

Subd. 45. "Residuals Solids" means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment facility.

Subd. 46. "Sewer" means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

Subd. 47. "Sewer System" means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.

Subd. 48. "Shall" is mandatory; "May" is permissive.

Subd. 49. "Significant Industrial User" or "SIU" means all Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the WWTF (excluding sanitary, noncontact cooling and boiler blowdown wastewater), contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTF, or is designated as such by the control authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTF's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6). If, upon finding that an Industrial User meeting the criteria of this subdivision has no reasonable potential for adversely affecting the WWTF's operation or for violating any pretreatment standard or requirement, the control authority, as defined in 40 CFR 403.12 (a), may, at any time, on its own initiative or in response to a petition received from an Industrial User or WWTF and in accordance with 40 CFR 403.8 (f)(6) determine that such Industrial User is not a Significant Industrial User. The City may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the conditions are met stated in 40 CFR 403.3 (v)(2) (i,ii,iii).

Subd. 50. "Slug" means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the WWTF.

Subd. 51. "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting there from.

Subd. 52. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

Subd. 53. "Sump Pump" means a pump which removes storm or ground water from a sump well.

Subd. 54. "Total Suspended Solids (TSS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Subd. 55. "Total Toxic Organics" means the summation of all values greater than 0.01 mg/1 of toxic organics listed in Section 307 (A) of the Act.

Subd. 56. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 57. "User" means any person who discharges, causes, or permits the discharge of wastewater into the SCWWTS.

Subd. 58. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater treatment system.



**Section 360:10. Individual Sewage Treatment System.**

Subd. 1. Where a public sanitary sewer is not available under the provision of Section 360:30, the building sewer shall be connected to an individual sewage treatment system complying with the provisions of this Section 365:00, Sewage Treatment Systems, and Minnesota Pollution Control Agency Rules, Chapter 7080. The provisions of this subsection shall be in addition to any requirements established by applicable federal, state or

local laws and regulations and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Subd. 2. Any person operating a private wastewater disposal system who wishes to discharge waste products to the SCWWTS resulting from the treatment of domestic wastewater only shall by obtaining permission from the Director prior to the discharge occurring.

**Section 360:15. Building Sewers and Connections.**

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof, except in accordance with the applicable provisions of Title 7, Chapter 2 of this Code.

Subd. 2. All costs incurred in the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute.

Subd. 4. Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the City, to meet all requirements of this ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the Plumbing Inspector and discharged to the building sewer.

Subd. 7. No persons shall make connection of roof downspouts, sump pump, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Subd. 8. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or

other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation Manual (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

Subd. 9. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the Plumbing Inspector and City Engineer when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the Building Inspector Program Coordinator or his/her representative.

Subd. 10. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow,  $\text{cBOD}_5$ , nutrients, and suspended solids, as determined by the Director.

### **Section 360:20. Main and Lateral Sewers.**

Subd. 1. No person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or others and subject to inspection during construction by engineers and employees of the City. No such sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

### **Section 360:25. Protection from Damage.**

Subd. 1. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the SCWWTS.

### **Section 360:30. Use of Public Sewers.**

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Subd. 2. As set forth in Section 360:10, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 3. The owner of any building or property which is located within the City, or in any area under the jurisdiction of the City, and from which wastewater is discharged, shall be required to connect to a public sewer at the owner's expense within one year after service of official notice to do so, provided that said public sewer is available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the Minnesota Building Code and other ordinances of the City.

Subd. 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 360:30, Subd. 3 of this ordinance, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property and said assessment shall be a

lien against said property. Such assessment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the county in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, sub-surface drainage, unpolluted cooling or process water to any sanitary sewer unless there is no prudent and feasible alternative and unless as approved by the Director.

Subd. 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the Director and the user may be required to obtain a NPDES Permit by the MPCA.

**Section 360:35. Phosphorus Management.**

Subd. 1. Any non-domestic, i.e. commercial or industrial, source may be included as part of the Phosphorus Management Plan (PMP) and required to evaluate their phosphorus discharge to the SCWWTS.

Subd. 2. Any significant non-domestic nutrient contributor (NDNC) of phosphorus, as determined by the Director, will be required to develop a Phosphorus Reduction Strategy (PRS). The NDNC will evaluate and/or update the PRS to include methods and/or steps taken to eliminate or reduce phosphorus loading to the SCWWTS.

Section 360:36. Mercury Management.

Subd. 1. Mercury levels shall not be detectable above 0.2 micrograms per liter in the wastewater discharged to the SCWWTS. Mercury sampling procedures, preservation and handling and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1 or another method approved or required by the Director. The level of detection developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 micrograms per liter for mercury, unless higher levels are appropriate due to matrix interference.

Subd. 2. To ensure that the maximum allowable mercury loading to the WWTF is not exceeded, the WWTF may require non-domestic users with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). At a minimum, an approved MRP shall contain the following:

- (1) A written commitment by the non-domestic user to reduce all non-domestic discharges of mercury to levels below the level of detection within 36 months of the MRP's original approval date;
- (2) Within 60 days of notification by the WWTF that a MRP is required, the non-domestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the WWTF;
- (3) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified level of detection within 36 months;
- (4) A program for quarterly sampling and analysis of the non-domestic discharge for mercury in accordance with EPA method 245.1;

- (5) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified level of detection. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g. mercury discharges are already near level of detection), the demonstration should incorporate the following;
- (a) Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed of, but have since been substituted by non-mercury containing compounds);
  - (b) Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by the EPA Federal Register. The results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location; and
  - (c) Loading calculations wherein the non-domestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
- (6) A semi-annual report on the status of the mercury reduction efforts. At a minimum, these reports shall: identify compliance or noncompliance with specific reduction commitments in the MRP; summarize the analytical, mass-based or quantifiable demonstration of mercury reductions performed to date; provide all applicable analytical data; provide an evaluation of effectiveness of actions taken to date; provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer and propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts;
- (7) Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this Section, and will result in publication as a significant violator;
- (8) A non-domestic user may request a variance from MRP requirements if all samples of the discharge for a period of one year are less than the specified level of detection; the non-domestic user has complied with the minimum monitoring frequency of quarterly sampling events; and the Director deems that the MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. Notice of approval or disapproval of the variance from MRP requirements will be made in writing from the Director.
- (9) If a MRP variance is issued, the non-domestic user remains subject to the local limitation for mercury.

**Section 360:40. Industrial Discharge Permit.**

Subd. 1. Permit Requirement. Industrial users discharging wastewater to the SCWWTS shall apply for an industrial discharge permit in accordance with these rules unless the Director determines that the wastewater has an insignificant impact to the collection system or the WWTF. No industrial user requiring a permit shall discharge to the SCWWTS until the industrial user has been issued a permit. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other local, state, or federal requirements regarding waste disposal.

The criteria to be utilized by the Director to determine if an Industrial Discharge Permit will be required include:

- (1) An average flow loading greater than 25,000 gallons per operating day or;
- (2) A pollutant concentration of greater than 50% for one or more regulated pollutants at the point of discharge or;
- (3) Has properties in the discharge for it to be constituted a prohibited discharge or;
- (4) Has been pretreated or passed through an equalization tank before discharge or;
- (5) A hydraulic or organic loading greater than 5% of the average dry weather capacity of the WWTF or;
- (6) An industrial process regulated by EPA categorical standards or;
- (7) Others as so designated by the WWTF as defined in 40 CFR 403.12 (a).

Subd. 2. Permit Application.

- 1) Existing Significant Industrial User. An existing Significant Industrial User or other person who is required to obtain an Industrial Discharge Permit shall complete and file a permit application with the WWTF within (ninety) 90 days of notification. The appropriate permit fee as provided by Section 597 shall accompany the permit application form at the time of application. A user shall have one year from the date of notification by the City to obtain an Industrial Discharge Permit.
- 2) New Significant Industrial User. New Significant Industrial Users proposing to connect or to commence a new discharge to the wastewater disposal system shall apply for an Industrial Discharge Permit prior to connection to or discharging into the SCWWTS. No discharge to the WWTF can commence until an Industrial Discharge Permit is received unless the Director has ruled that:
  - (a) an Industrial Discharge Permit is not required or;
  - (b) a discharge waiver is granted to commence discharge pending final action by the Director.

Subd. 3. Incomplete or Deficient Application. If the permit application is incomplete or otherwise deficient, the Director will advise the applicant of such incompleteness or deficiency. An Industrial Discharge Permit shall not be issued until an application is complete.

Subd. 4. Issuance of Industrial Discharge Permit. Within sixty (60) days after receipt of a completed application form from the industrial user, the Director shall, upon a determination that the applicant is capable of compliance with the Industrial Discharge Permit conditions and these rules, issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

Types of Industrial Discharge Permits:

- (1) A Standard Permit, with requirements for a specific facility, will be issued to an industrial user with a direct discharge connection to a public sewer. A Standard Permit will be issued to each Significant Industrial User, and other industrial users determined by the Director;

- (2) A Liquid Waste Hauler Permit will be issued to an industrial user who transports and discharges industrial waste to the collection system and the WWTF; and
- (3) A Special Discharge Permit will be issued to an industrial user who discharges leachate, groundwater or other waste to the collection system or the WWTF for which other permit forms are not applicable.

Subd. 5. Permit Conditions. Industrial Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City Council. Permits shall contain the following:

- (1) A summary of the penalties and charges applicable for violations of the terms of permit as provided in Section 360:85 of this ordinance;
- (2) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the WWTF;
- (3) Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations or other appropriate limits;
- (4) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (5) Requirements for installation and maintenance on inspection and sampling facilities;
- (6) Requirements for access to the permittee's premises and records;
- (7) Requirements for installation, operation, and maintenance of pretreatment facilities; (see Section 360:65 on Pretreatment);
- (8) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self reporting schedule;
- (9) Compliance schedules;
- (10) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Director, and affording the Director access thereto;
- (11) Requirements for notification to the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the SCWWTS.
- (12) Requirements for notification of slug discharges as provided in Section 360:55 of this ordinance.
- (13) Requirements for the specific location, time and volume of discharge to the WWTF for Liquid Waste Haulers;
- (14) The requirement for Industrial Discharge Permit transfer as stated herein; and
- (15) Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

Subd. 6. Permit Modification, Suspension, and Revocation. An Industrial Discharge Permit may be modified, suspended or revoked, in whole or in part, by the Director or City during its term for cause, including:

- (1) Violation of these rules;
- (2) Violation of any terms or conditions of the Industrial Discharge Permit;
- (3) Obtaining an Industrial Discharge Permit by misrepresentation or failure to fully disclose all relevant facts;
- (4) Amendment of these rules;
- (5) A change in the wastewater treatment process which results in the permittee's discharge having a significantly different and negative impact on the process;
- (6) A change in the permittee's industrial waste volume or characteristics which the permittee knows or has reason to know will or is likely to have, either by itself or by interaction with other wastes, a negative impact on the treatment process;
- (7) A change in the WWTF's NPDES or SDS Permit requirements, or any other changes made by Local, State and/or Federal rules; and
- (8) A determination by the Director that the permittee's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the SCWWTS.

Subd. 7. Time Schedule for Compliance. Any modifications in the Industrial Discharge Permit shall specify a reasonable time schedule for compliance.

Subd. 8. Refund of Permit Fee on Surrender or Revocation. A permittee may surrender an Industrial Discharge Permit to the City prior to the permit's scheduled termination. In the event that a permit is surrendered or revoked, the permittee shall be refunded a pro-rated portion of the permit fee paid.

Subd. 9. Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the permit's expiration date by filing with the City a permit reissuance application. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in Section 360:45 are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Subd. 10. Permit Transfer. Industrial Discharge Permits are issued to a specific user at a specific location, for a specific operation, except in the case of Liquid Waste Haulers. An Industrial 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 Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an Industrial Discharge Permit, the prior owner, if feasible, shall notify the City and the succeeding owner of said change in ownership and of the provisions of the Industrial Discharge Permit and these rules. The new owner shall submit a new permit application or shall submit to the City an executed statement agreeing to be bound by the terms and conditions of the existing Industrial Discharge Permit for the facility, in which case, upon consent of the City, the permit shall continue in effect until its expiration date.

Subd. 11. Permit Fees. The Industrial Discharge Permit fee, paid to the City, for total waste (million gallons per year) for both initial and reissuance shall be as follows:

- (1) Less than one (1) million gallons per year, annual permit fee of \$200 paid at time of

issuance or reissuance of industrial permit agreement.

- (2) Between one (1) and ten (10) million gallons per year, annual permit fee of \$300 paid at time of issuance or reissuance of industrial permit agreement.
- (3) Greater than ten (10) million gallons per year, annual permit fee of \$400 paid at time of issuance or reissuance of industrial permit agreement.
- (4) Permit Application and Reissuance Application fee of \$100.

Subd. 12 Permit Violation Fees. Permittees shall pay violation fees as follows by forty-five (45) days original report due date:

- (1) Discharge Violation Fee of \$100.
- (2) Late Industrial Discharge Monitoring Report Fee of \$100

### **360:41. Liquid Waste Hauler Requirements.**

Subd. 1. Any person seeking to transport and subsequently discharge residential, commercial, institutional or industrial waste into the SCWWTS shall comply with applicable requirements specified in this section.

- (1) Permit: Liquid Waste Haulers shall obtain an industrial discharge permit and shall comply with applicable requirements of these rules.
- (2) An annual permit fee of \$100 is due at time of issuance or reissuance of industrial discharge agreement.
- (3) Load Charge: Liquid Waste Haulers shall pay load charges to the City within 30 calendar days after the billing date. Load charges are specified in the Liquid Waste Hauler's Permit.
- (4) Approved Disposal Sites: Liquid Waste Haulers shall discharge only at approved disposal sites as designated by the Director.
- (5) Conditions of Discharge: Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the Act, and any other requirements set forth by the Director.

Subd. 2. Leachate and Contaminated Groundwater Discharge Requirements: Any person seeking to discharge leachate or contaminated groundwater into the SCWWTS shall apply to the Director for discharge approval.

- (1) Application: A written application for approval to discharge leachate or contaminated groundwater into the SCWWTS shall be submitted to the Director according to the following:
  - a. An application for approval to discharge shall be submitted at least 15 days prior to initiation of the proposed discharge;
  - b. An application for approval to discharge for a duration greater than six (6) months shall be submitted at least 60 days prior to initiation of the proposed discharge



- c. The application shall be made in a form established by the Director.
- (2) Approval or Denial: Upon receipt of a complete application for discharge approval, the Director shall:
  - (a) Within 30 days, issue a written approval for discharges that will not exceed six (6) months in duration; or
  - (b) Within 90 days, issue an industrial discharge permit for discharges that will exceed six (6) months of duration; or
  - (c) Deny the request for discharging into the WWTF and state the reasons for denial.
- (3) Conditions of Discharge: Any person who has obtained a written approval or a permit shall discharge in accordance with the terms of the approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the Act, and any other requirements set forth by the Director.

**Section 360:45. Prohibitive Discharge.**

Subd. 1. No person shall discharge or cause to be discharged, directly or indirectly, into the SCWWTS any of the following:

- (1) Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment facility operation. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols and ketones.
- (2) Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment facility. These include garbage with particles greater than one-half inch (1/2") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic gar tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.
- (3) Any wastewater having a pH less than 5.0 or greater than 12.0 or having any corrosive property that will or is likely to cause damage or hazard to structures, equipment, or employee of the Public Utility.
- (4) Any alkaline wastewater which alone or with others will or is likely to cause an elevated pH in the treatment facility influent so as to result in an inhibiting effect on the biological process or encrustation to the sewer.
- (5) Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either by itself or by interaction with other pollutants that will or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.)
- (6) Any noxious or malodorous solids, liquids, or gases, which either by itself or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent

the entry of Utility employees into a sewer for its monitoring, maintenance, and repair.

- (7) Any wastewater which will or is likely to cause excessive discoloration in the treatment facility effluent.
- (8) Wastes, other than Domestic Wastes, that is infectious before discharging into the sewer.
- (9) Any solids residual from an industrial pretreatment facility except as provided in Section 360:65.
- (10) Heat in amounts which will or is likely to inhibit biological activity in the treatment facility resulting in interference or causing damage to the treatment facility, but in no case heat in such quantities that the Industrial User's waste temperature is greater than 65°C (150°F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40°C (104°F).
- (11) Any wastewater containing fat, wax, grease or oil in excess of 100 mg/L that will or is likely to solidify or become viscous at temperatures between 0 and 65°C and which will or is likely to cause interference at the WWTF, including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
- (12) Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause interference to the SCWWTS
- (13) Any substance including nutrients which will cause the WWTF to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards or goals.
- (14) Any substance which may cause the WWTF's effluent or any other product of the wastewater treatment process such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater treatment system cause the system to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the biosolids management method being used.
- (15) Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause interference with the WWTF.
- (16) Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the SCWWTS or employees operating it.
- (17) Any hazardous waste, unless prior approval has been obtained from the Director.
- (18) Any waste generated outside the area served by the SCWWTS without prior approval of the Director.
- (19) Any unpolluted water, including cooling water, rain water, storm water or groundwater, unless there is no other prudent or feasible alternative.
- (20) Any trucked or hauled wastes or pollutants, except if approved by the Director at discharge points designated by the City.

(21) Phosphorus or other nutrients that exceed acceptable limits as set by the WWTF.

**Section 360:50. Limitations on Wastewater Strength.**

Subd. 1. Federal Pretreatment Standards. Federal Pretreatment Standards and General Pretreatment Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the Director has applied for, and obtained from the MPCA, approval to modify the specific limits in the federal pretreatment standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued there under, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

Subd. 2. State Requirements. State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

Subd. 3. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the WWTF if deemed necessary to comply with the objectives presented in Section 360:00 of this ordinance.

Subd. 4. Dilution. No user shall 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 any local or State requirements or Federal Pretreatment Standards.

Subd. 5. Removal Credits and Variances.

- (1) If the WWTF achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the MPCA for modification of specific limits of the EPA Pretreatment Standards. The City shall modify pollutant discharge limits applicable to an Industrial User in the Pretreatment Standards if the requirements contained in 40 CFR 403.7 of the General Pretreatment Regulations relating to credits for the removal of pollutants are fulfilled and approval from the MPCA is obtained. However, nothing herein shall be construed to require the City to apply to the MPCA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in Section 360:45, Subd. 6 in the event that such a removal credit is granted, except as provided in Section 360:45, Subd. 1.
- (2) The City shall recognize and enforce the conditions allowed for by variances from Pretreatment Standards for fundamentally different factors as granted by the EPA to individual Industrial Users in accordance with 40 CFR 403.13 of the General Pretreatment Regulations.
- (3) The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with 40 CFR 403.12 of the General Pretreatment Regulations. A compliance schedule as part of the Industrial Discharge Permit shall be developed between the Director and the Industrial User to ensure that the Industrial User complies with local, State and Federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 6. Local Limitations/Pretreatment Standards. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the SCWWTs any of the following waste pollutants containing concentrations in excess of the following maximum limitations for any operating day:

<u>Pollutant</u>	<u>Maximum Allowable Concentration* (mg/L)</u>
Arsenic	0.13
Cadmium	0.20
Chromium, Total	3.94
Copper	2.76
Cyanide, Total	3.11
Lead	1.25
Mercury	0.0002
Molybdenum	0.11
Nickel	0.75
Selenium	0.23
Silver	0.56
Zinc	4.23
Ammonia Nitrogen	Best Management Practices
cBOD <sub>5</sub>	Best Management Practices
Phosphorus	Best Management Practices
Total Suspended Solids	Best Management Practices

Subd. 7. Special Agreements. No statement contained in this subsection, except as promulgated by the EPA as stated in 360:50, Subparagraph 1, shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Subd. 8. Pretreatment Standards Notification. The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments and reporting requirements in accordance with Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the City and the Industrial User to ensure that the Industrial User complies with local, State and Federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 9. Reports. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the WWTF by affected users.

Subd. 10. BMP's. BMP's shall be considered local limits and Pretreatment Standards.

### **Section 360:51. Strength Charge System**

Subd. 1. Any permittee as designated by the Director, discharging into the SCWWTS industrial waste at carbonaceous biochemical oxygen demand and/or total suspended solids concentrations in excess of base levels shall be subject to a strength charge. Further, any person discharging waste into the SCWWTS may be subject to a strength charge under the same provisions. Base levels, strength charge rates and the procedures for determining strength charges shall be set forth by the Director. These rates and methods may be adjusted annually. Additional parameters, other than carbonaceous biochemical oxygen demand and total suspended solids may be subject to a strength charge.

Subd. 2. Industrial user charges may also include specific credits for industrial pretreatment which would encourage reduction in overall WWTF plant loading. Such credit to be determined by the Director.

Subd. 2. Persons subject to a strength charge shall pay the full amount to the City within 30 calendar days after the billing date. A penalty in the amount of Five Dollars (\$5.00) or 5% of the balance, whichever is greater, shall be added to all Public Utilities accounts not paid in full by the due date. The penalty for late payment shall be added to each billing for which the account remains unpaid.

Subd. 3. Certification Fee. A Fifty Dollar (\$50.00) charge will be added to all accounts certified to the County Auditor's officer for collection. This fee is to be considered separate and distinct from any penalty or interest that may be charged by the County as a result of certification.

### **Section 360:55. Accidental and Slug Discharges.**

Subd. 1. Prevention of Accidental and Slug Discharges. All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any waste prohibited in Section 360:45, any waste in excess of the limitations provided in Section 360:50, Subd. 6, or any waste in violation of an applicable pretreatment standard.

Subd. 2. Accidental Discharge. Accidental discharges of prohibited waste into the SCWWTS, directly or through another disposal system, or to any place from which such waste may enter the SCWWTS, shall be reported to the Director by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any State or Federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge. The responsible person shall send a letter describing the prohibited discharge to the Director within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- (1) The time and location of the spill;
- (2) Description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (3) Time period and volume of wastewater discharged;
- (4) Actions taken to correct or control the spill; and
- (5) A schedule of corrective measures to prevent further spill occurrences.

Subd. 3. Slug Discharge. In the event that an Industrial User discharges a slug in such volume or strength that the Industrial User knows or has reason to know it will cause interference in the WWTF, the Industrial User shall immediately report the same to the Director. Within seven (7) days thereafter, the Industrial User shall send a letter to the Director describing the slug as specified under Accidental Discharge.

Subd. 4. Spill Containment Program Requirement. Any Industrial User with a significant potential to discharge materials listed in the prohibited discharge section of this ordinance is required to install and maintain an adequate spill containment system. General spill containment requirements are listed below:

- (1) Process, storage, holding or treatment tanks containing materials listed in the prohibitive discharge section of this ordinance as well as the associated piping, pumps and other appurtenances must be contained if a spill or leak could enter the sewer. This includes tanks used for short-duration mixing, processing or storage.
- (2) The City prohibits floor drains with direct connections to the public sewer in facilities that store toxic or flammable materials.
- (3) The spill containment system must be capable of containing 100 percent of the volume of the largest tank of restricted material.

Acceptable Containment Systems Include:

- (1) Diking. Diking may be used to spill contain single shell tanks. Diking usually consists of concrete blocks, concrete berming or other materials that form a permanent structural barrier. Portable spill containment trays/pallets are also acceptable.
- (2) Self-Containment. Tanks of double shell construction are considered to be self-contained and do not require additional spill containment features unless there is a significant likelihood of overflowing. These tanks consist of two independent structural shells with the outer shell capable of containing any leakage from the inner one. An air gap of at least one-inch must be provided between the inner and outer shell.
- (3) Pits. Pits constructed under or around tanks are acceptable as spill containment. No openings, manual or electric gates or valves are allowed.

Subd. 5. Slug Discharge Control Plan. Any Significant Industrial User (SIU) that may batch discharge any wastewater (including from spill containment areas), treated or otherwise, and that discharge may potentially cause adverse impacts to the collection system or treatment plant must complete and implement a Slug Discharge Control Plan. Slug Discharge Control Plan must contain the following elements:

- (1) Description of discharge practices, including non routine batch discharges.
- (2) Description of stored chemicals;
- (3) Procedure for promptly notifying the WWTF of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and Section 360:40 of this ordinance, with procedures for follow-up written notification within five (5) days;
- (4) Procedures necessary 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 site runoff, and employee training. Include drawings that show spill containment dimensions and the locations of all floor drains, wastewater

pipng and pretreatment equipment;

- (5) The Slug Control Plan must be maintained at the discharge location and be available to staff from the City, MPCA or EPA upon request;

**Section 360:60. Monitoring Requirements.**

Subd. 1. Monitoring Facilities. When required by the City's permit, the permittee of any property services by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, flow measurement and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

Subd. 2. Monitoring Point. Each permittee shall have an approved monitoring point provided at the permittee's expense. Liquid Waste Haulers and special industrial users may be exempted by permit from portions of this section. An approved monitoring point shall meet the following criteria:

- (1) the wastewater flow is visible and accessible for inspection and monitoring purposes;
- (2) the wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- (3) the wastewater flow at the monitoring point conveys all of the permittee's industrial waste;
- (4) the monitoring point is large enough or space is provided nearby to allow for monitoring equipment and replacement; and
- (5) the total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

The Director may allow multiple monitoring points provided that each point meets criteria 1-5 of this section.

All permittees shall have an approved monitoring point. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code, Minnesota Rules, chapter 4715.

Each permittee is responsible for all maintenance on the approved monitoring point, including routine cleaning.

Subd. 3. Inspection Maintenance Hatch. The Director may require the installation of an inspection maintenance hatch (manhole), in the event of construction, replacement or modification of a permittee's sewer connection(s). Permittees shall provide notice to the Director prior to any such replacement or modification. The inspection maintenance hatch shall be of standard size and shape and be located on the private sewer line between the facility and the public sewer. If feasible, the inspection maintenance hole shall convey the total facility wastewater discharge.

Subd. 4. Flow Measurement. A permittee, when required by permit, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the permittee's expense in good operating condition at all times. The permittee shall notify the Director in writing within five (5) days in the event that the

permittee becomes aware that the meter or flow recorder has failed to accurately register the flow. The permittee shall also notify the Director of the permittee's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the SCWWTS.

The following requirements apply to the selection and installation of wastewater flow measuring devices:

- (1) Flow measuring devices including, but not limited to, weirs, flumes, area-velocity sensors and closed-pipe flow meters, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size and location of a flow measuring device include:
  - (a) flow rate and velocity;
  - (b) pipe configuration and slope;
  - (c) turbulence;
  - (d) presence of nearby tributary flows and;
  - (e) solids concentration.
- (2) All flow measuring devices shall be properly installed and, where applicable, properly level and sealed.
- (3) When a weir or a flume is utilized, the flow level-sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.

Subd. 5. Self-monitoring Analyses. All measurements, tests and analyses of the characteristics of water and wastes as outlined in the permit shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations.

Subd. 6. Representative Sampling. Representative samples of a permittee's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in the Industrial Discharge Permit. Industrial Users subject to Pretreatment Standards shall sample in accordance with the Pretreatment Standards. Self-monitoring point(s) for Industrial Users who are not subject to Pretreatment Standards shall be at a location and at a frequency as specified in the Permit. The samples shall accurately characterize the discharge, taking into account batch discharges, daily production variations, downtime, cleanup and other operating conditions.

Subd. 7. Monitoring Techniques. Monitoring methods that will be used by industrial users, and contracted monitoring services and/or commercial analytical laboratories that collect and/or analyze wastewater samples to fulfill requirements of these rules or any permit issued under these rules. Monitoring methods specified in this section include sample collection, preservation, handling, analysis and flow measurement.

- (1) A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, total phenols and sulfides. Samples for cyanide and volatile organics may be collected by the grab sampling technique described above or by an automatic sampler, using acceptable techniques. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples can be taken manually or automatically. Appropriate containers shall be used when collected grab samples.
- (2) Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least 100 milliliters. Discrete samples can be composited using any of the following methods.



- (a) equal time intervals and equal volume samples;
  - (b) equal time intervals and unequal volume samples; or
  - (c) unequal time intervals and equal volume samples.
- (3) When an equal time interval is used, the maximum sampling interval shall be 30 minutes. The composite sample volume shall be well mixed before sub sampling.

Subd. 8 Sample Handling Procedures. All samples shall be contained, preserved and held in accordance with 40 CFR Part 136. The sample temperature shall be maintained at four (4) degrees Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

Subd. 9 Industrial Discharge Monitoring Reports (IDMR's). A condition of the Industrial Discharge Permit shall include the completion and submittal of accurate routine self-monitoring reports to the Director in a form subscribed to by the Director. The nature and frequency of routine reporting shall be based upon the requirements specified in the Discharge Permit.

The Director may modify the reporting schedule set forth in the Industrial Discharge Permit for a particular permittee based on the permittee's industrial waste characteristics. Permittee's subject to Pretreatment Standards shall submit reports to the City in accordance with the applicable Pretreatment Standards.

Permittee's shall submit complete IDMR's to the City such that the Director has received such reports on or before the 21<sup>st</sup> calendar day of the month following the end of each applicable reporting period, unless otherwise stated in the Industrial Discharge Permit. Any permittee not submitting a self-monitoring report by this date shall pay a late reporting fee as defined in 360:40 Subd 12.

Subd. 10 Inspection and Sampling. The City may conduct such tests as are necessary to enforce this ordinance, and employees of the City may enter any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City for the purpose of determining whether the user is in compliance with regulations, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's wastewater requires more frequent testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

Duly authorized employees of the City, the MPCA and the EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the SCWWTS.

While performing the necessary work on private properties referred to in Subd. 5. of this subsection, the authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the SCWWTS lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

Subd. 11. Testing Procedures. Testing procedures for the analysis of pollutants for permit applications and routine self monitoring shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40, Section 403.12 (g) of the Federal Pretreatment Regulations.

Subd. 12. Report and Monitoring Discrepancies. A permittee shall be notified in writing by the Director of a significant discrepancy between the permittee's routine, self-monitoring records and the City's monitoring results within thirty (30) days after the receipt of such reports and monitoring results. The permittee shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the City. Samples may be split between the permittee's laboratory or agent and the City's laboratory for analysis.

Subd. 13. Wastewater Discharge Records. Wastewater discharge records shall be kept by the permittee for a period of not less than three (3) years. The permittee shall provide the Director reasonable access to these records during normal business hours. A permittee, subject to an applicable Pretreatment Standard, shall maintain all records required by Code of Federal Regulations, Title 40, Section 403.12 (n) of the General Pretreatment Regulations.

### **Section 360:65. Pretreatment.**

Subd. 1. Compliance With Standards. Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained in satisfactory and effective condition by the owner and at the owner's expense and shall be available for inspection by City employees at all reasonable times.

Industrial Users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial Users as required by their Industrial Discharge Permit shall submit to the Director for review detailed plans showing the pretreatment facilities at least sixty (60) days prior to initiation of construction. The Director shall approve the Industrial User's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

The Director's review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported for approval by the Director upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the SCWWTS without prior written approval from the Director. The disposal method shall be in accordance with local, State and Federal requirements. The Director shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

Subd. 2. Separator and Trap Installations. Grease, oil and sand separators and traps shall be provided for at the owner's expense for the proper collection of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. All records of separators and traps must be available for review by City personnel. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of solids. To prevent overloading, flow control baffles and any necessary inlet flow, control fitting shall be provided.

Separators and traps shall be maintained in efficient operation condition by periodic removal of any accumulated solids. Floating materials shall be removed before the accumulation is within two

inches of the outlet. Settled solids shall be removed before the solids reach 75% of the trap or separator capacity. Solids removed from a separator or trap, for subsequent sewer disposal, shall be transported and discharged by a permitted liquid waste hauler.

**Section 360:70. Confidential Information.**

User information obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets.

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

Information accepted by the Director as confidential shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten (10) day notification is given to the user.

**Section 360:75. Severability and Conflicts.**

Subd. 1. Severability. If the provisions of any section, paragraph, or sentence of these rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs and sentences shall nevertheless continue in full force and effect.

Subd. 2. Conflicts. If conflicts arise between these rules or regulations previously adopted by the City, these rules and the interpretations thereof, shall take precedence.

**Section 360:80. Enforcement.**

Subd. 1. Remedies Available. The Director may suspend the sewer system service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or the SCWWTS, or would cause the City to violate any condition of its NPDES or SDS Permit. Any user notified of a suspension of the sewer system service and/or the Industrial Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the SCWWTS or endangerment to any individuals. The Director shall reinstate the Industrial Discharge Permit and/or the sewer system service upon proof of the elimination of the non complying discharge.

Subd. 2. Revocation of Permit. In accordance with the procedures of Section 360:75 of this ordinance, the Director may revoke the Permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this ordinance, or applicable State and Federal regulations.

Subd. 3. Notification of Violation. Whenever the Director finds that any person has violated or is violating this ordinance, Industrial Discharge Permit, Phosphorus Management Plan or any

prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 4. Show Cause Hearing.

- (1) Notice of Hearing. If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reason the action will 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 fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) Hearing Officials. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee of the (assigned department) to:
  - (a) Issue in the name of the City, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (b) Take the evidence; and
  - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- (3) Transcripts. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.
- (4) Issuance of Orders. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 5. Legal Action. If any person discharges wastewater, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Section 360:85. Penalties.

Subd. 1. Administrative Fines. Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Industrial Users desiring to dispute such fines must file a request for the City Finance Director to reconsider the fine within 10 days of being notified of the fine. Where the City Finance Director believes a request has merit, the Finance

Director shall convene a hearing on the matter within 30 days of receiving the request from the Industrial User.

Subd. 2. Criminal Penalties. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be furnished by a fine of not more than \$800, or by imprisonment not to exceed 90 days, or both.

Subd. 3. Costs. In addition to the penalties provided herein, the City may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

Subd. 4. Costs of Damage. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage. The Director may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this ordinance.

Subd. 5. Falsifying Information. Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall upon conviction, be punished by a fine of not more than \$1000 or by imprisonment for not more than 90 days, or both.

#### **Section 360:90. Publication of Significant Violations.**

Public notification will occur at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTF of Industrial Users which, at any time during the previous twelve (12) months, were in significant violation of applicable Pretreatment Standards or Pretreatment Requirements. For the purpose of this provision, an Industrial User is in significant violation if its violations meet one or more of the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the a numeric Pretreatment Standard or requirement, including instantaneous limits times the applicable TRC (TRC = 1.4 for  $cBOD_5$ , TSS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard (daily maximum, longer term average, instantaneous limit or narrative standard) that the Director has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City employees or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the necessity for the City to exercise its emergency authority under 40 CFR 403.8 (F)(1)(vii)(b) to halt or prevent such a discharge;
- (5) Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

- (6) Failure to provide required reports such as baseline monitoring reports, self-monitoring reports and reports on compliance with compliance schedules, within forty-five (45) days of the due date;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

## CHAPTER 4

### SEWER SERVICE CHARGE SYSTEM

#### SECTION:

- 8-4-1: Purpose
- 8-4-2: Definitions
- 8-4-3: Sanitary Sewer User Rates
- 8-4-4: Determination Of Charges

8-4-1: **PURPOSE:** This Chapter provides for sewer service charges to recover costs associated with:

- A. Operation, maintenance and replacement to ensure effective functioning of the City's wastewater conveyance system.
- B. Local capital costs incurred in the construction of the City's wastewater conveyance system. (Ord. 86-1, 4-14-1986)

8-4-2: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as hereafter designated:

ACT: Federal Water Pollution Control Act, as amended.

ADMINISTRATION: Those fixed costs attributable to administration of the wastewater conveyance works (i.e., billing and associated bookkeeping and accounting costs).

BIOCHEMICAL OXYGEN DEMAND OR BOD5: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C) expressed in milligrams per liter.

CITY: The area within the corporate boundaries of the City as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term "City" may also refer to the City Council or its authorized representative.

COMMERCIAL USER: Any place of business which discharges sanitary waste as distinct from industrial wastewater.

COMMERCIAL WASTEWATERS: Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

DEBT SERVICE CHARGE: A charge levied on users of wastewater facilities for the cost of repaying money bonded to construct said facilities.

EXTRA STRENGTH WASTE: Wastewater having a BOD and/or TSS greater than domestic as defined in "Normal Domestic Strength Wastewater", classified as an incompatible waste.

GOVERNMENTAL Users which are units, agencies or instrumentalities of Federal

USER: State or local government discharging normal domestic strength wastewater.

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

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

Division A: Agriculture, forestry and fishing;

Division B: Mining;

Division D: Manufacturing;

Division E: Transportation, communications, electric, gas and sanitary sewers;

Division F: Services.

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

BOD<sub>5</sub>: Less than 218 mg/l

Suspended Solids: Less than 240 mg/l

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

INDUSTRIAL WASTEWATER: The liquid processing wastes from an industrial manufacturing process, trade or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

INSTITUTIONAL USER: Users other than commercial, governmental, industrial or residential users discharging primarily normal domestic strength wastewater (e.g., nonprofit organizations).

NORMAL DOMESTIC STRENGTH WASTEWATER: Wastewater that is primarily produced by residential users, with SOD<sub>5</sub> concentrations not greater than 218 mg/l and suspended solids concentrations not greater than 240 mg/l.



OPERATION AND MAINTENANCE:	Activities required to provide for the dependable and economical functioning of the wastewater system throughout the design or useful life, whichever is longer, of the system, and at the level of performance for which the system was constructed. Operation and maintenance includes replacement.
OPERATION AND MAINTENANCE COSTS:	Expenditures for operation and maintenance including replacement.
PUBLIC SERVICE ENTERPRISE FUND:	A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditures for wastewater facilities. Expenditures from the Public Service Enterprise Fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.
PUBLIC WASTEWATER COLLECTION SYSTEM:	A system of sanitary sewers owned, maintained, operated and controlled by the City.
REPLACEMENT:	Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the wastewater system to maintain the capacity and performance for which such system was designed and constructed.
REPLACEMENT COSTS:	Expenditure for replacement.
RESIDENTIAL USER:	A user of the facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments and.. mobile homes; and which discharges primarily normal domestic strength sanitary wastes.
SANITARY SEWER:	A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.
SEWER SERVICE CHARGE:	The aggregate of all charges, including charges for operation, maintenance, replacement, debt service and other sewer related charges that are billed periodically to users of the City's wastewater facilities.
SHALL/MAY:	Shall is mandatory; may is permissive.
SLUG:	Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration or flow

during normal operation and adversely affects the collection systems and/or performance of the wastewater treatment works.

STANDARD  
INDUSTRIAL  
CLASSIFICATION  
MANUAL:

Office of Management and Budget, 1972.

SUSPENDED SOLIDS  
(SS) OR TOTAL  
SUSPENDED SOLIDS  
(TSS):

The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as nonfilterable residue.

TOXIC POLLUTANT:

The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to section 307(a) of the Federal Water Pollution Act, which upon exposure to or assimilation into any organism will cause adverse effects.

USER CHARGE:

A charge levied on users of a wastewater system for the user's proportionate share of the cost of operation and maintenance including replacement.

USERS:

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

WASTEWATER:

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

WASTEWATER  
TREATMENT WORKS,  
WASTEWATER  
SYSTEM OR  
WASTEWATER  
FACILITIES:

An arrangement of any devices, facilities, structures, equipment or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of Municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. (Ord. 86-1,4-14-1986; 1997 Code)

**8-4-3: SANITARY SEWER USER RATES**

- A. Determination Of Rates: Sewer service rates and charges to users of the wastewater facilities shall be determined and fixed in a sewer service charge system developed with the assistance of the City Engineer and/or Public Works Director and shall be adopted by City fee schedule Ordinance.

**8-4-4: DETERMINATION OF CHARGES:**

- A. User Classes: Users of the City wastewater facilities shall be identified as belonging to one of the following user classes:
1. Residential;
  2. Commercial;
  3. Industrial;
  4. Institutional; and
  5. Governmental,
- B. Allocation Of Users: The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the Clerk-Treasurer, Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.
- C. Proportionate Contribution:
1. Each user shall pay operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings, with, the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 218 mg/l BOO and 240 mg/l TSS (i.e., normal domestic strength wastewater).
  2. Those industrial users discharging segregated normal domestic strength wastewater only can be classified as commercial users for the purpose of rate determination.
- D. Billable Wastewater Volume: The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:
1. Residential Users:
    - a. Calculation Of Charge: Each sewer user shall pay a base charge if connected to the city's sewer system. This rate shall be charged bimonthly as established by Council resolution. In addition, billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The two (2) month billable wastewater volume for the summer months shall be the lesser of the actual metered water usage for that period, or the most recent two (2) month winter period (Dec/Jan or Feb/Mar, in the sole discretion of the City).
    - b. Water Meters Required: The City requires residential users to install water meters. Wastewater users who are not connected to City water and therefore have no water meter will pay a flat sewer rate each billing period as established by the City's fee schedule Ordinance.
  2. Nonresidential Users:
    - a. Calculation Of Charge: Each sewer user shall pay a base charge if connected to the city's sewer system. This rate shall be charged bimonthly as established by Council resolution. In addition, billable wastewater volume for nonresidential users shall be calculated on the basis of the current metered water usage unless it is determined that reasonable fluctuations result in substantial amounts of water not entering the sanitary sewer system, in which case the bimonthly volume shall be based on the most recent two (2) month winter period. Proof of such fluctuation shall be borne by the user.

E. Additional Charges: The sewer service charges established in this Chapter shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character or contractual agreements with such users, as long as the following conditions are met:

1. The user pays operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant and no user is charged at a rate less than that of normal domestic strength wastewater.

## CHAPTER 5

### STORM WATER UTILITY

#### SECTION:

- 8-5-1: Storm Water Utility
- 8-5-2: Authority
- 8-5-3: Purpose
- 8-5-4: Rates and Charges

8-5-1:           **STORM WATER UTILITY:** Chapter 5 of Title 8 of the City Code of Ordinances, entitled “Storm Water Utility” is hereby enacted.

8-5-2:           **AUTHORITY:** Minnesota Statutes Section 444.075 establishes the authority for public utilities, including storm water system utilities.

8-5-3:           **PURPOSE:** The purpose of this Ordinance is to establish a storm water utility to provide a method for funding services to protect and improve the quality of local water resources and to maintain compliance with the National Pollutant Discharge Elimination System Permit requirements propagated by the U.S. Environmental Protection Agency. This Ordinance applies to the entire City.

The Council finds that the municipal storm water system should be operated as a public utility pursuant to Minnesota Statutes, from which revenues will be derived subject to the provisions of this Ordinance and Minnesota Statutes. The storm water utility will be part of the Public Works Department and under the administration of the Public Works Director.

8-5-4:           **RATES AND CHARGES:** In determining charges, the Council may from time to time specify unit areas, residential equivalency factors, and unit rates to charge utility users based upon the volume of runoff estimated to be generated by various land uses within the City. As an alternative to that fee structure, when the Council determines the storm utility rate is set low enough that it does not warrant the administrative time and costs necessary to implement and monitor such a varying fee schedule, the Council shall from time to time establish a basic unit rate to be applied to each utility account of the City. The Council may also establish connection charges and other allowable fees for the operation and maintenance of the City’s storm water system.

The following land uses are exempt from the storm water utility fees established herein: 1) publicly owned park lands, natural areas, and recreational fields; 2) railroad rights-of-ways; and 3) other property exempt from the City’s water and sewer utility billing.

Storm water utility fees will be collected by the City together with other City utility fees, in accordance with the procedures set forth in Title 8 of the City Code.

Delinquent and unpaid storm water utility fees may be certified to the County Auditor for collection with the real estate taxes in the same manner as other delinquent City utility charges as set forth in Title 8 of the City Code.