

**1046.08 WASTEWATER CONTRIBUTION PERMITS.**

(a) In General. All significant users proposing to connect to or to contribute to the City wastewater treatment system shall obtain a wastewater contribution permit or waiver before connecting to or contributing to the City wastewater treatment system. All existing industrial users connecting to or contributing to the City wastewater treatment system shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(b) Application for Permit. Industrial users shall complete and file with the City an application for permit or waiver in a form prescribed by the City and accompanied by the proper permit fee. Existing industrial users shall apply for a wastewater contribution permit within sixty days of the effective date of this chapter, and proposed new industrial users shall apply at least ninety days prior to connecting to or contributing to the City wastewater treatment system. Every application for a wastewater contribution permit shall include the following information:

- (1) Name, address, and location;
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Schedule of operations and number of employees;
- (4) Description of the type of wastewater discharged or proposed to be discharged to the City's wastewater treatment system; and
- (5) Indication as to the use and/or discharge of any materials listed in Appendix A following the text of this chapter.

In addition to the above, an application for permit from a significant industrial user shall also provide the following:

- (6) A description of wastewater constituents and characteristics, including, but not limited to, those mentioned in Section 1046.07(f), as determined by a reliable, analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136.
- (7) Time and duration of contribution.
- (8) Wastewater constituents and characteristics, including, but not limited to, those mentioned in Section 1046.07(f), as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA.
- (9) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (10) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation, and a current water use schematic.

- (11) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
- (12) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal pretreatment standards, and a statement, signed by an authorized representative of the user and certified by a qualified professional, regarding whether or not the pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (13) If additional operation and maintenance and/or pretreatment will be required to meet all applicable pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. For existing industrial users, the completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For new sources, all pollution control equipment necessary to meet applicable pretreatment standards shall be installed and operational at the time of start-up and shall meet the applicable pretreatment standards within the shortest feasible schedule. The following conditions shall apply to this schedule:
  - A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet applicable pretreatment standards.
  - B. No increment referred to in paragraph (b)(13)A. hereof shall exceed nine months.
  - C. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, which shall include, at a minimum, whether or not it has complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- (14) Each product or byproduct produced by type, amount, process or processes, and rate of production.
- (15) Type and amount of raw materials processed (average and maximum per day).

- (16) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (17) Any other information as may be deemed by the City to be necessary to evaluate the permit application.
- (18) The discharge form shall be signed by an authorized representative.

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

(c) Permit Modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection (b) hereof, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard all relevant information required by paragraph (b)(8) or (9) hereof.

(d) Permit Contents. Wastewater contribution permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, use charges, and fees established by the City.

Permits shall contain, as appropriate, the following:

- (1) Statement of duration (not greater than five years), including issuance and expiration dates;
- (2) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this chapter, and State and local law;
- (3) General and specific discharge prohibitions;
- (4) Requirements to pay fees for the wastewater to be discharged to the POTW;
- (5) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (6) Requirements for installation and maintenance of inspection and sampling facilities;
- (7) Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

- (8) Compliance schedules;
- (9) Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Standard or pretreatment requirement;
- (10) Requirements for collecting and/or retaining and providing access to plant records relating to a user's discharge and for providing entry for sampling and inspection;
- (11) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;
- (12) Requirements for notification of spills, potential problems to the POTW, including slug loadings, upsets or violations;
- (13) Requirements for the installation, operation, and maintenance of pollution control equipment;
- (14) Requirements to develop and implement spill and slug control plans;
- (15) Other conditions as deemed appropriate by the POTW to ensure compliance with this chapter, State and Federal pretreatment standards and requirements;
- (16) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (17) Statement of non-transferability; and
- (18) Conditions for modification or revocation of permit.

(e) Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance at least 180 days before the expiration of its existing permit.

(f) Permit Transfer. Wastewater contribution permits are issued to a specific process or operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior notification to the POTW. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Reporting in General.

(1) Baseline reports (for categorical dischargers only).

- A. Industrial users subject to National Categorical Pretreatment Standards shall submit baseline reports to the POTW in a form prescribed and furnished by the POTW.
- B. Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR, Section 403.6(a)(4), whichever is later, industrial users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed baseline report.
- C. New sources, when subject to a National Categorical Pretreatment Standard, shall submit a baseline report at least ninety days prior to commencement of discharge to the POTW.
- D. In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:
  1. Name and address of the facility, including the name of the operator and owners.
  2. List of any environmental control permits held by or for the facility.
  3. Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
  4. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - a. Regulated process streams; and
    - b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR, Section 403.6(e).

5. The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
  - a. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
  - b. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The City may waive flow-proportional composite sampling techniques where feasible. The City may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
  - c. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR, Section 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR, Section 403.6(e), this adjusted limit along with supporting data shall be submitted to the POTW.

6. The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O & M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.
7. If additional pretreatment or O & M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
  - a. Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR, Section 403.7) or the combined waste stream formula (40 CFR, Section 403.6(e)), or net/gross calculations (40 CFR, Section 403.15), at the time the industrial user submits a baseline report, the information required in paragraph (g)(1)D.6. hereof and this paragraph shall pertain to the modified limits.
  - b. If the National Categorical Pretreatment Standard for the industrial user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to information provided as a response to paragraph (g)(1)D.6. hereof and this paragraph and submit them to the POTW within sixty days after the modified limit is approved.
8. The following conditions shall apply to any schedule submitted in response to paragraph (g)(1)D.7. hereof:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - b. No increment referred to in paragraph (g)(1)D.8.a. hereof shall exceed nine months.

- c. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW, including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.
  9. Such other information as may be reasonably requested by the POTW.
- (2) Monitoring and analysis in support of self-monitoring requirements.
- A. The reports required by paragraph (g)(1)A. to D. hereof shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the 40 CFR, Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW and other persons, approved by the Administrator. This sampling and analysis may be performed by the POTW in lieu of the industrial user. Where the POTW itself collects all the information required for the report, the significant industrial user will not be required to submit the report.
  - B. If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within thirty days after becoming aware of the violation, except that the industrial user is not required to resample if:
    1. The POTW performs sampling at the industrial user at a frequency of at least once per month; or
    2. The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.



- C. The reports required in paragraphs (g)(1)A. and D. hereof shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- D. If an industrial user subject to the reporting requirements in paragraph (g)(1)A. to D. hereof monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this paragraph (g)(2)A. to E., the results of this monitoring shall be included in the report.
- E. The reports required by paragraph (g)(1)A. to E. hereof shall include the certification statement as set forth in 40 CFR, Section 403.6(a)(2)(ii), and shall be signed by an authorized representative.

- (h) Compliance Date Report. Within ninety days following the date for final compliance with the applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and requirements.

Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period.

The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

- (i) Periodic Compliance Reports.
  - (1) All significant users who have been issued a wastewater contribution permit shall submit periodic compliance reports. Any user subject to a pretreatment standard, after the compliance date of such pretreatment

standard, or, in the case of a new source, after commencement of the discharge into the City wastewater treatment system, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or this chapter. In addition, this report shall include a report of all daily flows which, during the reporting period, exceeded the average daily flow reported in the user's permit. All sampling and reporting shall be performed in the manner and form as may be specified by the Superintendent, including the locations to be sampled, the number and type of samples to be collected, the pollutants to be analyzed, the measurement of flows, and other items as the Superintendent deems necessary. All reports shall be based on data which is representative of conditions which occurred during the reporting period. If an industrial user monitors any pollutant more frequently than required in the permit, the results shall be included in the report. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, or other factors which may affect the submission of said report or the integrity of the report, the Superintendent may agree to alter the months during which the above reports are to be submitted.

If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within thirty days of becoming aware of the violation.

Reports required under this subsection shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

- (2) The City does not accept dilution as a method of pretreatment. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (i)(1) hereof shall indicate the mass pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of the sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of the pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in

the applicable pretreatment standards. All analyses shall be performed in accordance with the procedure established by the Clean Water Act. Sampling shall be performed in accordance with techniques approved by the Administrator.

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

- (3) For industrial users subject to equivalent mass or concentration limits established by the POTW in accordance with the procedures in 40 CFR, Section 403.6(c), the report required by paragraph (g)(1)D.3. hereof shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (g)(1)D.3. hereof shall include the user's actual average production rate for the reporting period.
  - (4) Significant noncategorical industrial users shall submit to the POTW at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the POTW.
- (j) Hazardous Waste Notification.
- (1) Any industrial user, except as specified in paragraph (j)(5) hereof, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR, Part 261, shall notify the POTW in writing of such discharge.
  - (2) All hazardous waste notifications shall include:
    - A. The name of the hazardous waste as set forth in 40 CFR, Part 261;
    - B. The EPA hazardous waste number;
    - C. The type of discharge (continuous, batch, or other); and
    - D. A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - (3) In addition to the information submitted in paragraph (j)(2) hereof, industrial users discharging more than 100 kg. of hazardous waste per calendar month to the POTW shall also report, to the extent such information is known and readily available to the industrial user:
    - A. An identification of the hazardous constituents contained in the waste;

- B. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
  - C. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.
- (4) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that industrial users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under paragraph (j)(2) hereof.
  - (5) Industrial users are exempt from the hazardous waste notification requirements during a calendar month in which they discharge fifteen kg. or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste, as specified in 40 CFR, Sections 261.30(d) and 261.33(3), requires an on-time notification.

(k) Inspection and Sampling (Right of Entry). The City shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Representatives of the POTW, the State and the EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this chapter. Industrial users shall allow authorized representatives of the POTW, the State and the EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, the State and the EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements, at its own expense, to enable authorized representatives of the POTW, the State, and the EPA to enter and inspect the premises without delay as guaranteed by this subsection.

(l) Pretreatment Requirements.

- (1) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent requirements of this chapter, Federal pretreatment standards, as established by 40 CFR, Chapter I, Subchapter N, State standards and permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal pretreatment regulations, and with any other pretreatment standards, by applicable deadlines.

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

The City shall publish in a local newspaper of general circulation a list of all users which were not in compliance with any pretreatment standard or requirement at least once during the previous twelve months.

Users shall retain and make available upon the request of authorized representatives of the POTW, the State, or the EPA all records required to be collected by the user pursuant to this chapter or any permit or order issued pursuant to this chapter. These records shall remain available for inspection for a period of at least three years after their collection. This period shall be extended during any litigation concerning compliance with this chapter or permit conditions.

(m) Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose a trade secret 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 chapter, the National Pollutant Discharge Elimination System Permit, the 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 City as confidential shall not be transmitted to any governmental agency or to the general public by the City until, and unless, a ten-day notification is given to the user.

(n) Harmful Contributions. The City may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health, safety, or welfare of persons, to the environment, causes interference to the wastewater treatment system, or causes the City to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals, including immediate severance of the sewer connection. The City shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen days of the date of the occurrence.

(Ord. 95-4. Passed 7-10-95.)