

CITY OF BEL AIRE MUNICIPAL ORDINANCE

ORDINANCE NO. []

SECTION 1 GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works wastewater plant; generated by industries served by the City Sanitary Sewer Conveyance System
- E. To enable the City to comply with the National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the City of Bel Aire Sanitary Sewer Conveyance System.

1.2 Administration

Except as otherwise provided herein, The City Engineer shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to, or duties imposed upon The City Engineer may be delegated by The City Engineer to a duly authorized City employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

B. Approval Authority The Kansas Department of Health and Environment (KDHE); it shall mean the Director of Environment of KDHE

C. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The Engineer of one or more manufacturing, production, or operating facilities, provided the Engineer is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements;

and where authority to sign documents has been assigned or delegated to the Engineer in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs 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, or sector control programs to control pollutants from specific industrial users in place of identified categorical or effluent standards. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Pretreatment Regulations and Section 307(d) of the Act and as specified at 40 CFR 403.5(c)(4)

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. City. The City of Bel Aire

I. City Engineer: The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the City Engineer.

J. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

K. Control Authority. The City of Bel Aire

L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Region VII Water Management Division Director, the Region VII Administrator, or other duly authorized official of said agency.

M. Existing Source. Any source of discharge that is not a “New Source.”

N. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

O. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

P. Industrial User, IU or User. A source of indirect discharge.

Q. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of [the City’s] NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

R. KDHE. the Kansas Department of Health and Environment and any successor departments or agencies.

S. Local Limit. Specific discharge limits or best management practices developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

T. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

U. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

- (i) any placement, assembly, or installation of facilities or equipment; or
- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

U. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

V. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the NPDES permit, including an increase in the magnitude or duration of a violation.

W. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

X. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Y. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Z. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

AA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BB. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards and categorical Pretreatment Standards, and Local Limits, including best management practices.

CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

DD. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is jointly owned by the cities of Bel Aire and Park City known as Chisholm Creek Utility Authority, a regional sewer district (as defined by Section 502(4) of the Clean Water Act. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

EE. POTW Treatment Plant, or Wastewater Treatment Plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

FF. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

GG. Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments which is routed to the City sanitary sewer system.

HH. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) The City may determine that an Industrial User subject to categorical Pretreatment Standards 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 and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

II. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

JJ. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

KK. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

LL. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference : Solid or viscous Pollutants shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, mopheads, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, including solids from food service establishments, such as oil and grease, paper and cloth wipes, dishes, utensils, cups, and liquid containers.

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(5) Wastewater having a temperature that inhibits biological activity in the treatment plant resulting in interference, but in no case, wastewater from an indirect discharge with a temperature exceeding one hundred fifty degrees Fahrenheit (sixty-five degrees Celsius) or which results in exceeding the wastewater temperature of one hundred- and four-degrees Fahrenheit (forty degrees Celsius) at the treatment plant.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Trucked or hauled pollutants, except at discharge points designated by the City Engineer in accordance with Section 3.4 of this ordinance.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by [the City Engineer];

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical Wastes, except as specifically authorized in writing by the City Engineer

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin, emulsified or not, containing substances which may solidify, or become viscous, at temperatures between thirty-two degrees Fahrenheit and one hundred fifty degrees Fahrenheit (zero degrees to sixty-five degrees Centigrade), in quantities determined by the City Engineer that have a deleterious effect upon the POTW conveyance system, processes, and/or equipment, or in quantities which will pass through the POTW to the receiving waters, or impact the storage or disposal of the POTW biosolids. In addition, it is prohibited to discharge these substances in quantities that cause a sewer line blockage resulting in untreated sewage discharging to waters of the United States. The discharge must not be in quantities that present an imminent endangerment to the health and welfare of persons, or otherwise create or constitute a public nuisance.

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5 %) or any single reading over ten percent (10 %) of the Lower Explosive Limit of the meter.

19. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishment, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. However, garbage grinders shall only be used to grind 11 small amounts of garbage incidental to cleaning plates, cookware, etc. and not to dispose of large quantities of waste. Waste must be scraped into a garbage can prior to cleaning;

20. Unusual Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), or Total Suspended Solids (TSS) in quantities as to constitute a significant additional load on the Wastewater Treatment Plant.

21. Wastewater containing Pollutants which are not amenable to transport, treatment or reduction in concentration by the POTW and POTW Treatment Plant processes employed, or are amenable to treatment only to such a degree that the POTW Treatment Plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge of effluent to the receiving waters;

22. Wastewater which, by interaction with other wastewater in the POTW, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition deleterious to structures and treatment processes.

23. Liquid Wastes from chemical toilets, trailers, campers, or other recreational vehicles which have been collected or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the City to collect such wastes.

24. Pollutants, substances, or Wastewater prohibited by this subsection shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Categorical Industrial Users (CIUs) must comply with applicable Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. In order to facilitate notification from the POTW to the Control Authority regarding discharges from CIUs, CIUs shall notify the City at least 90 days prior to discharge. CIUs also have additional sampling, reporting, and notification requirements to the Control Authority.

2.3 Site-Specific Limits

The POTW may establish additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the City, such limitations are necessary to implement the provisions of this Chapter, including the Discharge prohibitions in subsection 2.1. These additional limits shall be public noticed prior to implementation by the City.

2.4 Best Management Practices (BMPs)

The POTW may develop BMPs to implement the prohibitions of subsection 2.1 of this Chapter. BMPs shall be considered Pretreatment Standards for purposes of this Chapter and section 307(d) of the Act. The City may establish specific sector control programs for Industrial Users to control specific pollutants, as necessary, to meet the objectives of this Chapter. Pollutants subject to these sector control programs will generally be controlled using BMPs as determined by the City. These sector control programs shall not limit the City’s authority to inspect, sample, require reports, enforce, or otherwise carry out its responsibility under this Chapter. The specific sector control program BMPs and requirements shall be developed and documented in a policy, which shall be public noticed.

Elements of a BMP-based sector control program may include, but are not limited to the following:

1. Installation of appropriately-sized treatment;
2. Requirements for prohibitions on certain practices or discharges;
3. Requirements for the operation and maintenance of treatment equipment; and
4. Procedures for compliance certification, reporting and records retention.

The City Engineer may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement any City requirements of Section 2.1.

2.5 City's Right of Revision

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City Engineer may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance prior to discharge. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City Engineer for review and shall be acceptable to [the City Engineer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the City Engineer may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. The City Engineer may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the

City Engineer, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. The City Engineer may require any person discharging into the POTW to install at the owner's or operator's own expense suitable monitoring facilities or equipment which isolates appropriate wastewater discharges into the wastewater system and facilitates accurate observation, sampling and measurement of discharges. The equipment shall be maintained in proper working order and kept safe and accessible without restriction to POTW personnel at all times. Where practical, the monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building.

3.3 Accidental Discharge/Slug Discharge Control Plans

Each Industrial User shall provide protection from accidental discharges and Slug Loads of pollutants resulting in harm to the POTW. Facilities to prevent the discharge of spills or Slug Loads shall be provided and maintained at the Industrial User's expense.

The City Engineer shall evaluate whether a facility needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. [The City Engineer] may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, [the City Engineer may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures.
- B. Description of contents and volumes of any process tanks;
- C. Description of discharge practices, including non-routine batch discharges;
- D. Listing of stored chemicals, including location and volumes;
- E. Procedures for immediately notifying the POTW of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with all reporting requirements;
- F. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. The POTW prohibits the discharge of trucked/hauled septic tank waste, industrial waste, and RV waste to the City sanitary sewer collection system, unless the City Engineer specifically grants a permit to the discharger. Such a permit shall be issued pursuant to rules and that address, among other items, preservation of sewer capacity for

its intended purpose of handling sanitary sewage, protection of the sanitary sewer system from harmful solutions, protection of the health of employees and the public, and proper functioning of the City's sanitary sewer system and its appurtenances.

B. Trucked/Hauled waste may be discharged into the sanitary sewer system only at locations designated by the City, and at such times established by the City. Such waste shall not violate any discharge conditions or requirements established by the POTW. The City may require the following:

1. Septic tank waste haulers to obtain individual wastewater Discharge permits.
2. The POTW may collect samples of each hauled load to ensure compliance with applicable Pretreatment Standards and Requirements.
3. The POTW may require the industrial waste hauler to provide a waste analysis of any load prior to Discharge.

Any Person discharging septic tank waste and industrial waste must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler (individual person and company), permit number (if applicable), truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. —

C. RV Disposal Stations: The POTW may allow RV disposal sites in its service area if the quality or quantity of the RV waste does not impact the POTW, including the collection system. The POTW may require RV disposal sites in the service area to ensure adequate controlled access to its disposal site including locked access, sign-in records for persons discharging from the RV, record keeping by the RV disposal site, and other information, as deemed appropriate by the City Engineer.

SECTION 4 NOTIFICATION AND REPORTING REQUIREMENTS

4.1 — Industrial User Questionnaire

If the POTW deems it necessary to assure compliance with the provisions of this Chapter, any IU of the POTW may be required to submit a Wastewater Discharge permit application, questionnaire, or other reports and notifications in a format and timeframe specified by the POTW. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User must submit documentation required by the POTW or the Pretreatment Standards to determine the compliance status of the Industrial User. Any Industrial User subject to this reporting requirement shall submit a completed report no later than thirty (30) days after receipt of the notification and appropriate forms.

4.2 — Notification of Change in Discharge

All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR

section 403.12(p). Additionally, significant Industrial Users are required to notify the POTW immediately of any changes in their facilities affecting potential for a Slug Discharge.

4.3 — Notification of Hazardous Waste Discharge

Industrial users shall notify the City, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities in writing of any Discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR section 261, (RCRA). Each Industrial User shall notify the POTW in advance of any substantial change to such discharge. The specific information required to be reported and the time frames in which it is to be reported are found at 40 CFR section 403.12§15

4.4 — Report of Potential Problems

A. In the case of any discharge, including, but not limited to, spills, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug discharge or a discharge that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the POTW of the incident. This notification shall include:

1. Name of the facility;
2. Location of the facility;
3. Name of the caller;
4. Date and time of the discharge;
5. Date and time discharge was halted;
6. Location of the discharge;
7. Type of waste;
8. Estimated volume of the discharge;
9. Estimated concentration of pollutants in the discharge;
10. Corrective actions taken to halt the discharge; and
11. Method of disposal, if applicable.

B. Within five (5) working days following such discharge, the Industrial User shall, unless waived by the City, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

4.5 — Authorized Signature for Reports

All reports and questionnaires required to be submitted by the above provisions shall bear the signature of an Authorized Representative of the discharging entity and shall include the following certification statement as set forth in 40 CFR section 403.6(a)(2)(ii): "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the

information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

SECTION 5 RIGHT OF ENTRY: INSPECTION AND SAMPLING

Continued connection and use of the City of Bel Aire Municipal sewer system shall be contingent on the right of the City to inspect and sample all discharges into the system. The City shall have the right to enter the premises of any user to determine that the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder, is being met. Users shall allow the City Engineer ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Upon arrival at the facility, the City Engineer and/or their authorized representative(s) shall identify themselves to the manager or supervising staff person on duty at the facility, prior to conducting inspections, sampling, or records examination. All routine or unscheduled inspections shall be documented in writing, and findings shall be reported to the User within 10 days of the event.
- B. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City, KDHE, and EPA authorized personnel will be permitted to enter without delay for the purposes of performing specific responsibilities.
- C. The City, KDHE and EPA shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. The City Engineer may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated with a precision and frequency mutually agreed to between the City and the User using measurement standards traceable to the National Institute of Standards and Technology (NIST) to ensure accuracy.
- F. Unreasonable delays in allowing the City Engineer access to the User's premises shall be a violation of this ordinance.

SECTION 6 CONFIDENTIAL BUSINESS INFORMATION

All information and data on a User obtained from the User, person, POTW including but not limited to, reports, surveys, monitoring programs, and from the City Engineer's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City Engineer, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 7 ADMINISTRATIVE/JUDICIAL ENFORCEMENT REMEDIES**7.1 Notification of Violation**

When the City Engineer finds that a User has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Engineer may serve upon that User a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the City Engineer. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City Engineer to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

7.2 Consent/ Administrative Orders

When the City finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an Administrative Order to the Industrial User responsible for the discharge directing that the Industrial User immediately come into compliance or within a time specified by the City.

The City Engineer may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within the time period specified by the document. Such documents shall have the same force and effect as the administrative orders. and shall be judicially enforceable.

If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to

address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged into the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation during the time it takes the Industrial User to come into compliance. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

7.3 Suspension of Service

The City may suspend water service and/or wastewater treatment service 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, the environment, causes Pass Through or Interference, causes the POTW to violate any condition of its NPDES Permit, or for violations of this Chapter. Any IU notified of a suspension of the water service and/or wastewater treatment service shall immediately stop or eliminate the Discharge. 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 including immediate physical severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment.

7.4 Show Cause Hearing

The City Engineer may order a User which has violated, or continues to violate, any provision of this ordinance, order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Engineer and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 (fifteen) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. The Show Cause Hearing board shall consist of the City Manager, the Public Works Director, City Council Member, City Manager, Utility Advisory Committee Member, and the Planning & Development Director, or their designees. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

- A. Appeal. Any person aggrieved by the decision of the hearing board may appeal such decision to the city council within ten days of the receipt of the decision by filing notice of appeal with the city clerk. Upon hearing, the city council may affirm, modify, or reverse the decision of the director. Any appeal of the council's decision shall be as provided by state law.

7.5 Compliance Orders

When the City Engineer finds that a User has violated, or continues to violate, any provision of this ordinance, m order issued hereunder, or any other Pretreatment Standard or Requirement, the

City Engineer may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

7.6 Cease and Desist Orders

When the City Engineer finds that a User has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City Engineer may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

7.8 Administrative Fines

A. When the City Engineer finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Engineer may fine such User in an amount not to exceed \$1,000 (one-thousand dollars). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. The POTW may, in addition to fines, collect charges to pay for damage to the POTW, fines issued to the POTW, and any other costs incurred by the POTW as a result of the IU's noncompliance.

C. A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.

D. Users desiring to dispute such fines must file a written request for the City Engineer to reconsider the fine along with full payment of the fine amount within 10 (ten) business days of being notified of the fine. Where a request has merit, the City Engineer may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The

City Engineer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

7.9 Injunctive Relief

When the City Engineer finds that a User has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Engineer may petition the district court of Sedgwick County, through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The City Engineer may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

7.10 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City Engineer may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement and penalties described in Chapter 16, Article 6 of the City Code of Ordinances. However, the City Engineer may take other action against any User when the circumstances warrant. Further, the City Engineer is empowered to take more than one enforcement action against any noncompliant User.

7.11 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

7.12 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through (24) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that

A. the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in

930 the case of Interference, was in compliance with applicable sludge use or disposal
931 requirements.
932

933 SECTION 8 EFFECTIVE DATE
934

935 This ordinance shall be in full force and effect immediately following its passage, approval, and
936 publication, as provided by law.