

# EXHIBIT 8B - SHREVEPORT CODE CHAPTER 94, ARTICLE IV - SANITARY SEWER

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## ARTICLE IV. - SANITARY SEWER SERVICE <sup>[168]</sup>

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### FOOTNOTE(S):

<sup>(168)</sup> **Editor's note**— Ord. No. 120, 1994, adopted July 12, 1994, effective Dec. 5, 1994, amended Art. IV in its entirety to read as herein set out. Former Art. IV, §§ 94-111—94-133, pertained to similar subject matter and derived from Code 1971, §§ 37-17, 37-18, § 37-45, §§ 37-51—37-60, §§ 37-62—37-68, §§ 37-75, 37-76; Ord. No. 112, 1992, §§ 37-55—37-77, adopted Aug. 12, 1992; Ord. No. 35, 1994, adopted March 22, 1994. ([Back](#))

<sup>(168)</sup> **Cross reference**— Sewer system regarding swimming pools, § 22-62 ([Back](#))

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## DIVISION 1. - GENERALLY

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### **Sec. 94-111. - Purpose.**

The purpose of this article is to define the legal authority of the pretreatment program which is to protect the Publicly Owned Treatment Works (POTW) and the environment from potential damage that may occur when hazardous toxic wastes are discharged into the sewage system by the provisions designed:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW, or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, atmosphere, or otherwise be incompatible with the POTW;
- (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To enable the city to comply with its NPDES or LPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludges from the system;
- (6) To monitor and regulate the generation, transportation, and disposal of industrial and hazardous waste;
- (7) To enforce applicable EPA categorical standards; and
- (8) To reduce the health and environmental risk of pollution caused by discharges.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 138, 2003, § 1, 9-23-03)

### **Sec. 94-112. - Administration.**

Except as otherwise provided herein, the director of water and sewerage shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the director may be delegated by the director of water and sewerage to other city personnel.

(Ord. No. 120, 1994, 7-12-94)

### **Sec. 94-113. - National pretreatment standards.**

- (a) All categorical pretreatment standards found in 40 CFR [Chapter 1](#) SubchapterN, Parts 405-471, list of toxic pollutants, industrial categories and other standards and categories which have been or which will be promulgated by the EPA shall be incorporated as a part of this chapter, as will EPA regulations regarding sewage pretreatment established pursuant to the Clean Water Act; and amendment of this article to incorporate such changes shall not be necessary.
- (b) The city reserves the right to require more stringent wastewater discharge limits on permits based on conditions of the treatment facility.

(Ord. No. 120, 1994, 7-12-94)

## Sec. 94-114. - Definitions and abbreviations.

- (a) *Definitions.* For the purpose of this article, the following words and phrases shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

*Act* or "*the Act*" means the Federal Water Pollution Control Act, also known as the Clean Water Act ("CWA") as amended 33 U.S.C. 1251, et seq.

*Administrative fine* means a punitive monetary charge unrelated to actual treatment costs which is assessed by the authority rather than a court.

*Administrative order* means a document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

*Approval authority* means the City of Shreveport with an EPA-approved pretreatment program to oversee the discharge of the industrial and domestic users.

*"Approved POTW pretreatment program" or "program" or "POTW pretreatment program"* means a program administered by a POTW that meets the criteria established in the Code of Federal Regulations (403.8 and 403.9) and which has been approved by a regional administrator or state director in accordance with CFR 403.11 of the regulation.

*Authority* means the director of the department of water and sewerage of the City of Shreveport, or his duly authorized representative.

*Authorized representative of industrial user* means:

- (1) An owner;
- (2) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (3) Any partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (4) A duly authorized representative of the individual above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates submitted in writing to the City of Shreveport.

*Best management practices* or *BMPs* mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). BMPs 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.

*BOD*, denoting biochemical oxygen demand, shall mean the quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter term of mass and concentration.

*BOD<sub>30</sub>* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 30 days at 20° C, expressed in milligrams per liter. The *BOD<sub>30</sub>* is 1.25 X *BOD<sub>3</sub>* on normal domestic sewage.

*Building drain* shall mean 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 feet outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

*By pass* shall be defined as the intentional diversion of wastestreams from any portion of any industrial user's treatment facility.

*Capital charge* shall mean that portion of the total wastewater treatment service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance, and replacement costs.

*Categorical pretreatment standards* means any regulation containing pollutant discharge limits promulgated by the United States EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Categorical user* means any commercial or industrial user promulgated by the United States EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Cease and desist order* means an administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

*Chain-of-custody* means a written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times, and procedures followed.

*Chemical oxygen demand*, frequently denoted as COD, shall mean the quantity of chemical oxidizing agent, as oxygen equivalents, consumed under standard laboratory conditions, expressed as milligrams per liter.

*City* means the City of Shreveport, Louisiana.

*City engineer* shall mean the city engineer of the department of public works of the City of Shreveport, Louisiana.

*Civil litigation* means a lawsuit filed in a civil court. If the court ruled that the defendant industrial user violated the law the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

*Civil penalty* means a punitive monetary award granted by a court to the control authority against a noncompliant industrial user.

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

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Compliance order* means an administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

*Compliance schedule* means a schedule of required activities (also called milestones) necessary for an industrial user to achieve compliance with all pretreatment program requirements.

*Composite sample* means a compound sample created by combining samples taken at different times based on an increment of either flow or time.

*Consent decree* means a court supervised settlement agreement, the violation of which may be considered contempt of court.

*Consent order* means an administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliance status.

*Control authority* means the entity directly administering and enforcing pretreatment standards and requirements against industrial users. For purposes of this article the control authority is the approved pretreatment program of the City of Shreveport.

*Criminal prosecution* means a criminal charge brought by the control authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowingly, and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

*Criminal referral*. The authority shall advise the appropriate prosecuting authority and regulatory agency of any violation of this article that it deems to be of a criminal nature. This notice of criminal conduct shall be made by the authority or his/her authorized representative by affidavit setting forth the specific violation and/or conduct.

*Department of water and sewerage* means the body or branch of the City of Shreveport government that regulates the water and sewer.

*Director* means the appointed authority having the power to make decisions.

*Discharge* means, in its verb form: to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose; or to allow, permit, or suffer any of these acts or omissions. In its noun form: discharge is the product of any of these acts.

*Disposal* means the discharge, deposit, injection, dumping, spilling, leaking or placing of industrial, liquid, or hazardous waste into or on land, water or the POTW.

*Disposal site* means a permitted facility or part of a permitted facility, including influent collection sewers and sludge handling facilities at which liquid wastes and septage is approved to be collected, transported, treated, and intentionally disposed of by conveyance to receiving waters and/or lands. These types of facilities must be classified as either a Type I (landfill) or Type V (other, i.e. liquid processing) Municipal Solid Waste Facility as defined under 40 CFR Part 257 and TAC, Part IX, Chapter 330, Subchapter D, section 330.41(b) and section 330.41(f).

*Domestic sewer* means wastewater derived from communities of homes, businesses and institutions.

*Environmental Protection Agency* or *EPA* means the U.S. Environmental Protection Agency, or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of the agency.

*Excessive sewage* means any industrial waste having a total suspended solids or BOD content in excess of that found in normal domestic wastewater but which is otherwise acceptable into a sanitary sewer under the terms of this article.

*Excessive sewage surcharge* means the charge levied against any person for services rendered during treatment of abnormal sanitary sewer or waste. This charge shall be in addition to the usual monthly charge of sanitary sewer service.

*Excursion* means an unintentional and temporary incident in which a pollutant exceeds the range allowed by the applicable effluent limitation guidelines.

*Existing source* means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

*Fee* means a schedule of charges imposed to recover treatment costs (not punitive in nature).

*Fine* means monetary penalty assessed by the authority officials for violation of the law.

*Flow discharge* means the measured or estimated quantity of wastes discharged by users into the city's sanitary sewer system, expressed in 100 cubic feet (Ccf) or gallons (gal.).

*Food service establishment* means any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food such as motels, hotels, prisons, or schools. Excluded under this provision are nongrease producers, such as dairies, espresso bars, etc., which are covered under separate provisions.

*Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

*Generator* means a person who causes, creates, generates, stores or otherwise produces liquid waste, including but not limited to greased trap waste, grit trap waste and septage as a by-product of some domestic or nondomestic activity.

*Grab sample* means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

*Grease* means fatty acids, soaps, fats, waxes, oils, and other material extracted by solvent from acidified samples and not volatilized during evaporation of the solvent as specified in standard methods.

*Grease interceptor* means a water-tight receptacle designed, constructed, or used to intercept and prevent the passage of grease waste or septage into the sanitary sewer system, and is used to denote a receptacle cited outside of the grease-generating establishment. Its size is generally greater than 750 gallons.

*Grease trap* means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid waste into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

*Grease trap waste* means any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from a grease trap for proper disposal.

*Grease waste handling* means the collection, transportation, storage, transfer, processing or other handling of grease waste. The term shall not apply to the generator of grease waste or to the storage of grease waste in a grease interceptor.

*Grit trap* means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewers to which the receptacle is directly or indirectly connected.

*Grit trap waste* means oil and grease wastes, and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

*Hazardous waste* means any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- (1) Have any of the following characteristics: toxic, corrosive, and irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;
- (2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the State of Louisiana, or the Administrator, U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act," as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

*Indirect discharge* means the introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act (33 U.S.C. 1317) (including holding tank waste discharged into the system).

*Industrial cost recovery* means the system to recover from industrial users of the POTW, the grant amount allowable to the treatment of wastes from such users.

*Industrial user (IU) or "user"* means any nonresidential user; a source of indirect discharge.

*Industrial waste* means all water-borne solids, liquids, or gaseous substances resulting from any process of industry, manufacturing, trade, business, food processing operation or any mixture of the waste with water or normal wastewater, or any waste which is distinct from normal domestic wastewater.

*Injunctive relief* means a court order which restrains or compels action by the industrial user.

*Inspector* means an authorized representative of the City of Shreveport who examines the user and reviews officially.

*Interference* means any discharge which alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES or LPDES permit or any state or federal regulation, industrial waste and water pollution control chapter or causes the city to violate any condition of the contracts for sewage sludge disposal. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria including those contained in any state sludge management plan disposal or use employed by the POTW.

*Jurisdiction* means the extent of authority of a governmental entity's power to make and enforce laws.

*Legal authority* means the source of a control authority's jurisdiction and regulatory powers.

*Litigation* means an enforcement action brought in a judicial (court) forum.

*Liquid waste* means all waste (and wastewater) removed from traps and tanks including, but not limited to, grease trap waste, and septage; but shall not include hazardous waste.

*Louisiana pollution discharge elimination system or LPDES permit* means a permit issued pursuant to LAC 33:IX [Chapter 23](#). A permit system for the direct discharge of pollutants into waters of the state.

*Manifest* means the written documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site. Such documentation shall contain:

- (1) The quantity and type of liquid waste being transported;
- (2) The generator's name and address at the point of receipt of liquid wastes by the transporter;
- (3) The transporter's corporate, business or trade name;
- (4) The transport vehicle operator's name;
- (5) The transporter's permit number issued by the City of Shreveport's permits and inspection division;
- (6) The registration number assigned to the transporter's vehicle by the state;
- (7) The time of disposal; and
- (8) The signature of the disposal site operator.

*Manifest system* means a record keeping and accounting system consisting of a multi-paged trip ticket booklet and other forms used to document specific data regarding the point of generation, transportation, volume and disposal of grit trap waste, grease trap waste, and septage.

*May*. The word "may" whenever used in this article, will be interpreted in its permissive sense.

*Milligrams per liter (mg/l)* means the same as parts per million (ppm) expressed as a weight-to-volume ratio.

*National categorical pretreatment standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to industrial users.

*National pollutant discharge elimination system or NPDES permit* means a permit issued pursuant to section 402 of the Act (33 USC 1342). A permit system for the direct discharge of pollutants into U.S. waterways.

*Natural outlet* means outlet into a watercourse, pond, ditch, lake, or other body of surface groundwater.

*New source* means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under section 307 (c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section.

*Normal domestic wastewater (sewage)* means a discharge by a person into sanitary sewers in which the average concentration of TSS is not more than 250 mg/l and BOD is not more than 250 mg/l, and which is otherwise acceptable into a sanitary sewer under the terms of the permit.

*Notice of violation* means a control authority document notifying an industrial user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the control authority expects the violation to be corrected within a short period of time.

*Overload* means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineering design capacity.

*pH* shall mean the measure of the acidity or alkalinity of a solution expressed in standard units.

*Pass through* means the discharge of pollutants through the POTW into waters of the United States in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES or LPDES permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

- (1) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by federal, state, or local law;
- (2) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
- (3) Knows or has reason to know that the discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- (4) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

*Permit* means a document issued to industrial users. This document is commonly known as the control mechanism for the industrial user.

*Permittee* means a person issued a permit under this article.

*Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal representatives, agents or assigns.



*Polluted water* means liquid waste containing any of the following:

- (1) Free or emulsified grease, and/or oil;
- (2) Acids or alkalis;
- (3) Phenols or other substances producing taste or odor in receiving water;
- (4) Toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) Noxious or otherwise obnoxious or odorous gases, liquids, or solids;
- (6) More than 10 mg/l each of suspended solids or BOD, or both;
- (7) Color, either "true" or "apparent," exceeding 50 units as measured by the Platinum-Cobalt Method;
- (8) More than 500 mg/l of dissolved solids, or more than 250 mg/l of chlorides or more than 250 mg/l sulfates;
- (9) A pH value of less than 6.0 or greater than 10.5; or
- (10) Any water or waste not approved for discharge into a stream or waterway by the appropriate state authority.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical or biological materials.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR section 403.6(d).

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

*Priority pollutants* means a list of 126 pollutants established by the EPA and considered hazardous to the environment and to humans.

*Process wastewater* means any water which during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material intermediate product, finished product, by-product, or waste product.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than ¼ inch in any dimension.

*Prosecuting authority* shall be either the United States Attorney for the Western District of Louisiana, the Attorney General for the State of Louisiana, or the District Attorney for Caddo Parish, Louisiana.

*Public sewer* means pipe or conduit carrying sanitary or storm wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

*Publicly owned treatment works (POTW)* means a system of conveyances and treatment for domestic sewage and industrial wastewater. Also refers to the government officials responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.

*Regulatory agency* means the United States Environmental Protection Agency or the Louisiana Department of Environmental Quality.

*Sanitary sewer* means a public sewer that conveys domestic wastewater or industrial wastes or a combination thereof, and into which stormwater, surface water, ground water, and other unpolluted water or wastes are not intentionally passed.

*Search warrant* means a document issued by a magistrate or judge which authorizes government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.

*Segregated domestic wastes* means waste generated by domestic activities that are not combined with wastes generated by nondomestic activity such as industrial or commercial activity.

*Self monitoring* means sampling and analysis of wastewater performed by the industrial user.

*Septage* means liquid wastes and sludges containing sufficient liquid content, normally more than 85 percent, to permit flow by gravity or minimal pumping removed from a portable toilet, chemical toilet, septic tank (as used herein), or cesspool. Septage does not include nondomestic wastes from commercial or industrial establishments unless that nondomestic waste has the content and characteristics of domestic waste.

*Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

*Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* shall mean a pipe or conduit for carrying sewage.

*Shall.* The word "shall" whenever used in this article, will be interpreted in its mandatory sense.

*Show cause* means a formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

*Significant industrial user* means any industrial user of the city's wastewater system who:

- (1) Has a process discharge flow of 10,000 gallons or more per day;
- (2) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- (3) Has been found by the city to have a significant impact on the wastewater treatment system;
- (4) Has violated the permit issued by the city or any pretreatment standard or requirement.

*Significant noncompliance* shall be defined as set forth in 40 CFR Part 403.8(f)(2)(viii) and its revisions. Criteria used by control and approval authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements.

*Slug* shall mean 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.

*Standard methods* means the examination and analytical procedures set forth in the latest approved edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved, and published jointly by the American Water Works Association, and the Water Pollution Control Federation.

*State* means the State of Louisiana.

*Storm drain*, sometimes termed "storm sewer," shall mean a sewer which carries storm and surface waters and drainage, but excludes domestic sewage and industrial wastes, other than unpolluted cooling water.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting from such precipitation; including snowmelt.

*Submission* means the yielding of the industrial user to the requirements of the permit issued to the industrial user.

*Surcharge* means the charge for treating excessive pollutant loadings.

*Temporary permit* means a discharge document for not more than 90 days.

*Termination of service* means a physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

*Testimony* means a solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

*Total suspended solids (TSS)* means solids, measured in mg/l, that either float on the surface of, or in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device. Also referred to as total nonfilterable residue.

*Total toxic organics (TTO)* means the sum of mass or concentration of specific toxic organic compounds found in industrial users process discharge at a concentration greater than 0.01 milligrams per liter.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

*Transporter* means a person who utilizes public streets and rights-of-way for collection, hauling, and/or disposal of liquid waste, including but not limited to, grease trap waste, grit trap waste, and septage from a generator to a permitted or registered treatment, storage or disposal site or facility.

*Trap* means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances from wastewater.

*Treatment plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of domestic sewage and industrial waste.

*Treatment works and/or waste treatment system* means all devices and systems used in the storage, treatment, recycling and reclamation of industrial wastes necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting, sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of industrial waste.

*Upset* shall be defined as an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*User* means any person who discharges or causes or permits the contribution of wastewater into the city's POTW.

*User charge* means that portion of the total sewerage charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment and collection system.

*Vehicle* means a mobile device in which or by which liquid waste may be transported upon a public street or highway.

*Waste* means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, commercial or industrial activities.

*Wastewater* means the liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated which is discharged into or permitted to enter the POTW.

*Wastes from sanitary convenience* means sewage wastes, domestic in character, introduced by industrial users of the city's sanitary sewer systems from sanitary facilities such as those installed and made available for use by the public and/or employees during their hours of employment.

*Wastewater facilities* means all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

*Watercourse* means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(b) *Abbreviations.* The following abbreviations, when used in this article, shall have the designated meanings:

- (1) *BOD*—Biochemical Oxygen Demand;
- (2) *C*—Centigrade;
- (3) *CFR*—Code of Federal Regulations;
- (4) *COD*—Chemical Oxygen Demand;
- (5) *COS*—City of Shreveport;
- (6) *CWA*—Clean Water Act;
- (7) *EPA*—U.S. Environmental Protection Agency;
- (8) *F*—Fahrenheit;
- (9) *gpd*—gallons per day;
- (10) *l*—liter;
- (11) *IU*—Industrial User;
- (12) *LDEQ*—Louisiana Department of Environmental Quality;
- (13) *LA*—Louisiana;
- (13.5) *LPDES*—Louisiana pollution discharge elimination system;
- (14) *MG*—Million Gallons;
- (15) *mg/l*—milligrams per liter;
- (16) *NOV*—Notice Of Violation;
- (17) *NPDES*—National Pollutant Discharge Elimination System;
- (18) *POTW*—Publicly Owned Treatment Works;
- (19) *RCRA*—Resource Conservation and Recovery Act;
- (20) *SIC*—Standard Industrial Classification;
- (21) *SV*—Significant Violation;
- (22) *TSS*—Total Suspended Solids;
- (23) *TTO*—Total Toxic Organics;
- (24) *USC*—United States Code.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 138, 2003, §§ 2—5, 9-23-03; Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

Ord. No. 138 of 2003, [§ 5](#), adopted September 23, 2003, enacted provisions intended for use as subsection (b)(13). Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as subsection (b)(13.5).

### **Sec. 94-115. - Compulsory connection to sewerage system.**

The provisions of [section 94-208](#) shall apply to all residences or buildings required by the building code to have toilet facilities and every residence or building containing a sewage fixture or privy.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 238, 1994, 11-8-94; Ord. No. 2, 2007, § (1), 1-23-07)

### **Sec. 94-116. - Water service required.**

- (a) Any customer using the sanitary sewer facilities of the city shall be required to connect to and receive city water service within two years after the residence or building has been connected to the city sewer system, if city water service is available to the customer.
- (b) Every residence or building shall be connected to the city water system within two years after city water service is available.
- (c) Any residence or building located within the city limits on or before July 1, 1994 is exempted from this section.
- (d) All connections to the city water system shall be made subject to the applicable charges in effect at the time the connection is made.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 238, 1994, 11-8-94)



## **Sec. 94-117. - Responsibility for maintenance of sewer laterals.**

After sewerage service lines are installed in a building or upon any premises, the property owner shall be responsible for maintenance and repair of the sewerage service lines up to the sewer main.

(Ord. No. 120, 1994, 7-12-94)

## **Sec. 94-118. - Repair of defective service lines.**

Sanitary sewer service lines shall be maintained in a good state of repair at all times. The following rules and regulations shall govern defective sanitary sewer lines:

- (1) *Repair required; notice to property owner.*
  - a. The property owner shall have ten days following a written notice by the department to properly repair a sanitary sewer service line which is contributing to health and nuisance problems such as backups, overflows or hydraulic overloading of the sewerage system. If the repairs are not effected within the ten-day grace period, the department may terminate the water or sewerage services of the property owner until such repairs are made. If repairs require more than ten days, the department shall compute the volume of stormwater, surface water or other water discharges prohibited under [section 94-120](#) which have entered the sewerage system and bill accordingly at the established rate.
  - b. If the defective service does not contribute to potential health and nuisance problems such as backups, overflows and hydraulic overloading of the sewerage system, the customer shall have 30 days following a written notice by the department to properly repair the service line. The department shall compute the volume of stormwater, surface water or other water discharges prohibited under [section 94-120](#) which have entered the sewerage system and bill accordingly at the established rate if repairs are not effected within the 30 days. Failure to pay may result in the termination of water or sewerage services.
- (2) *Procedure for tenants other than property owner.* If the sanitary sewer service line to a dwelling occupied by anyone other than the property owner is determined defective, the dwelling shall be reported to the property standards division of the department of public works of the city as a substandard dwelling. This will be reported to the property owner, and the procedure given in subsections (1)a. and b. of this section will be followed.
- (3) *Permit; inspection of work.* Before repairs are made by the property owner, a plumbing permit must be obtained, and all work must be inspected by the plumbing inspectors of the city.

(Ord. No. 120, 1994, 7-12-94)

## **Shreveport, Louisiana, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 94 - UTILITIES >> ARTICLE IV. - SANITARY SEWER SERVICE >> DIVISION 2. - WASTEWATER STANDARDS, PERMITS AND PROHIBITIONS >>**

### **DIVISION 2. - WASTEWATER STANDARDS, PERMITS AND PROHIBITIONS**

[Sec. 94-119. - Prohibited discharge standards.](#)

[Sec. 94-120. - Discharge of substances requiring approval by the authority](#)

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[Sec. 94-125. - Analytical requirements.](#)

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[Sec. 94-127. - Discharge of liquid waste at unapproved locations prohibited.](#)

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[Sec. 94-140. - Regulating waste discharge from other jurisdictions.](#)

[Sec. 94-141. - Miscellaneous provisions.](#)

[Sec. 94-142. - Enforcement.](#)

[Secs. 94-143—94-160. - Reserved.](#)

## Sec. 94-119. - Prohibited discharge standards.

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

- (1) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant(s) or wastewater which causes pass through or interference. These general prohibitions apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.
- (2) *Specific prohibitions.* The following pollutants, substances, or wastewater are hereby prohibited, and shall not be stored, processed, or hauled in such a manner that they could be discharged to the POTW.
  - a. 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°F (60°C) using the test methods specified in 40 CFR 261.21;
  - b. Wastewater having a pH less than 6.0 or greater than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;
  - c. Solid or viscous substances in amounts which cause obstruction to the flow in the operation of the POTW resulting in interference including but not limited to ashes, cinders, sand, mud, straw, shaving metals, glass, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, and fleshing, entrails, and paper, dishes, and cups;
  - d. Any 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;
  - e. Any wastewater with heat in amounts of or greater than 140°F (60°C) which will inhibit biological activity in the POTW treatment resulting in interference, but in no case shall heat in such quantities that the temperature at the POTW treatment plant exceed 104°F (40°C);
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin;
  - g. 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;
  - h. Trucked or hauled pollutants, except at discharge points designated by the POTW;
  - i. 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 city's regulatory or any other regulatory permit;
  - j. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  - k. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
  - l. Detergents, surface-active agents, or other substances which cause excessive foaming;
  - m. Fats, oils, or grease of animal or vegetable origin in concentration greater than 100 mg/l;
  - n. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  - o. Unusual concentrations of inert suspended solids, such as but not limited to fuller's earth lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate;
  - p. Unusual volume of flow or concentration of wastes consisting of slug loads;
  - q. Any waters containing strong acid iron pickling waste, or concentrated plating solutions; or
  - r. Dilution as a substitute for treatment is prohibited except where expressly authorized to do so by an applicable pretreatment standard or requirement in accordance with 40 CFR 403.6(d).
- (3) *Specific pollutant limitations.* The following pollutant limits are established to protect against pass through and interference. These limits apply at the point where the user's wastewater is discharged to the sanitary sewer system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The authority may impose mass limitations in addition to, or in place of, the concentration-based limitations. Following are the technical based local limits.
  - a. 0.07 mg/l antimony (T)
  - b. 1.2 mg/l arsenic (T)
  - c. 0.1 mg/l cadmium (T)
  - d. 4.7 mg/l chromium (T)
  - e. 3.8 mg/l copper (T)
  - f. 1.5 mg/l cyanide (T)
  - g. 1.0 mg/l lead (T)
  - h. 0.005 mg/l mercury (T)
  - i. 1.5 mg/l molybdenum (T)
  - j. 3.6 mg/l nickel (T)
  - k. 0.14 mg/l selenium (T)
  - l. 0.1 mg/l silver (T)
  - m. 3.2 mg/l zinc (T)
  - n. 100 mg/l oil and grease

Total toxic organics (TTO) for all categoricals shall be regulated according to the definition for that point source as established by EPA. All other facilities shall be regulated according to the definition of metal finishing point source category as established by EPA in 40 CFR Part 433.11(e).

### Sec. 94-120. - Discharge of substances requiring approval by the authority

The following may be approved by the authority in accordance with applicable federal, state, and local law. The circumstances shall be based on a fact finding investigation to ensure no detrimental impact on the POTW which will be caused.

- (1) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater;
- (2) Medical waste;
- (3) Increases in the process water for adequate treatment to achieve compliance discharge limitations as expressly authorized by the applicable pretreatment standards or requirements.
- (4) Mass limitations or equivalent concentration in accordance with 40 CFR 403.6(c) where a category pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater;
- (5) Alternate limit using the combined wastestream formula (40 CFR 403.6(e)) when wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard; or
- (6) A variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(Ord. No. 120, 1994, 7-12-94)

### Sec. 94-121. - Compliance with pretreatment standards.

- (a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all national pretreatment categorical standards, local limits, and the prohibitions set out in sections [94-117](#) and [94-118](#) of this article within the time limitations specified by EPA, the state, or city, whichever is more stringent. All facilities needed 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 authority for review, and shall be acceptable to the authority 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 article.
- (b) *Additional pretreatment measures.*
  - (1) Whenever deemed necessary, the authority shall 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 article.
  - (2) The authority shall 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. A wastewater discharge permit may be issued solely for flow equalization.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

Ord. No. 114 of 2008, adopted September 23, 2008, changed the title of [§ 94-121](#) from "Requirement for acceptance of restricted waste; compliance with pretreatment standards" to "Compliance with pretreatment standards."

### Sec. 94-122. - Oil and grease interceptors.

- (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the authority, 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 interceptor units shall have covers with mechanisms for secure closing and shall be of type and capacity approved by the authority. They shall be so located to be easily accessible for cleaning and inspection. It shall be the responsibility of the user and owner, at the owners expense, to regularly inspect, clean, and repair each interceptor and the cover and closing mechanism thereof. It shall be the responsibility of the user and owner to insure that the cover is in place and securely closed at all times except during use, inspection, cleaning and repair. Failure to maintain the interceptor in proper working order shall be cause for discontinuance of sewer service. All interceptors shall be of sufficient size and design determined by the authority.
- (b) Users with the potential to discharge flammable substances shall be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 18, 1996, 2-27-96)

### Sec. 94-123. - Maintenance of preliminary treatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. No. 120, 1994, 7-12-94)

### Sec. 94-124. - Control manhole.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer facility for continuous observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

### **Sec. 94-125. - Analytical requirements.**

All pollutant measurements, tests, and analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and Part 403.12 as applicable, and amendments unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

- (1) *Sample collection.*
  - a. Except as indicated in subsection (1)b. below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the authority may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
  - b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds (voc) must be obtained using grab collection techniques.
  - c. Samples shall be preserved according to 40 CFR Part 136(4). Chain of custody shall be provided per 40 CFR Part 403.
- (2) *Timing.* Written reports will be deemed to have been submitted on the date received. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (3) *Record keeping.* Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, including documentation associated with best management practices, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the authority.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

### **Sec. 94-126. - Special agreements for acceptance of industrial wastes.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, so long as all state and federal limitations and requirements are and will continue to be met by such industry. Payment by the industry shall include cost recovery for construction, operation and maintenance of the increment of the wastewater treatment facilities required to treat the waste discharge of the industry. Costs to be considered shall include:

- (1) Costs of amortization of the indebtedness for the cost of the sewage works.
- (2) Costs of operation and maintenance of the sewage works.
- (3) Any additional costs which are necessary to ensure adequate treatment on a continuous basis.

(Ord. No. 120, 1994, 7-12-94)

### **Sec. 94-127. - Discharge of liquid waste at unapproved locations prohibited.**

No person shall discharge or cause to be discharged any septic tank or privy effluent or contents or animal or vegetable fat or oil used in or derived from food preparation except at a location approved for such discharge by local, state or federal authorities.

(Ord. No. 120, 1994, 7-12-94)

### **Sec. 94-128. - Liquid waste hauler permit required.**

Haulers of septage or grease trap waste which is generated within the city limits or the Cross Lake Watershed, or which will be discharged within the city limits or the Cross Lake Watershed, must have a liquid waste hauler permit issued by the city. The permit may be revoked or suspended if the person ceases to meet any of the requirements within the permit or violates any provisions of this chapter.

(Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

Ord. No. 114 of 2008, adopted September 23, 2008, amended §§ ~~94-128~~—94-133 in their entirety to read as herein set out. Formerly, §§ ~~94-128~~—94-133 pertained to restricted waste disposal permit required, fees for restricted waste, oil and grease regulations, discharge of septic tank waste, transportation and testing of restricted waste, and inspection and marking of vehicles carrying restricted waste, respectively, and derived from Ord. No. 120 of 1994, adopted July 12, 1994; Ord. No. 238 of 1994, adopted November 8, 1994, and Ord. No. 138 of 2003, § 6, adopted September 23, 2003.

### **Sec. 94-129. - Fees for liquid waste hauler permits.**

The fee for issuance of a liquid waste hauler permit shall be established by the director and published in a schedule.

(Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

See note at [§ 94-128](#)

### **Sec. 94-130. - Grease trap waste regulations.**

- (a) *Purpose.* To regulate all generators, collector/transporters, transfer/receiving stations and disposal facilities that operate within the Cross Lake Watershed and/or are connected to the city's sewerage system as it relates to grease trap waste.
- (b) *Authority.*
- (1) Code of Ordinances of the City of Shreveport, [chapter 94](#), article IV, Sanitary Sewer Service, as it relates to the city's pretreatment regulations.
  - (2) United States EPA pretreatment regulation, 40 CFR 403.1(b) and 403.5 covered by pretreatment standards.
- (c) *Responsibilities.*
- (1) *Generator.*
    - a. Must have an approved city permit that ensures that all discharges into the POTW are in accordance with the pretreatment regulations.
    - b. Must ensure that the collection system is kept clean and sanitary and is properly functioning at all times.
    - c. Must ensure that the collector/transporter is permitted by the city.
    - d. Must supervise the cleaning of the system.
    - e. Must manifest all waste that is being removed offsite for treatment and/or disposal and that all completed manifests are kept on site for at least three years. Manifests to be only city approved manifests.
    - f. Must ensure that all waste removed be disposed of and/or treated at an approved, licensed or permitted facility that meets all local, state, and federal rules or regulations.
  - (2) *Collector/transporter.*
    - a. Must have an approved city permit if the waste is collected or disposed of within the city limits or within the Cross Lake Watershed.
    - b. Vehicles utilized for collection and transportation must be properly sized, water tight containers, and equipped with proper equipment to handle the transfer of the waste.
    - c. Must use city approved manifests and only one manifest is to be utilized for each business collected per event. Copy of completed manifest to be submitted to the city and the generator with one copy kept on file.
    - d. Collected waste shall be disposed of at an approved licensed or permitted facility that meets all local, state and federal rules and regulations.
  - (3) *Transfer/receiving station.*
    - a. Must have a city approved permit prior to accepting waste if facility is located within the city limits or within the Cross Lake Watershed.
    - b. When accepting waste generated within the city and/or the Cross Lake Watershed, the waste must be manifested on a city approved manifest.
  - (4) *Disposal facility.*
    - a. Must have a city approved permit prior to accepting waste if located within the city limits or within the Cross Lake Watershed.
    - b. Can only accept waste that is manifested on a city-approved manifest.
    - c. Must ensure that all discharges are in compliance with the pretreatment program, NPDES permit or LPDES permit.
  - (5) *City of Shreveport.*
    - a. Responsible for enforcing the pretreatment standards.
    - b. Reviews and approves all permits in accordance with the pretreatment program.
    - c. Inspects all permitted facilities to determine compliance.

(Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

See note at [§ 94-128](#)

### **Sec. 94-131. - Discharge of septage.**

- (a) No user shall discharge or cause to be discharged any septage into the city sewage works except effluent or contents originating within Caddo Parish.
- (b) Septage may be introduced into the POTW only at locations designated by the authority, and at such times as are established by the authority. Such waste shall not violate [section 94-119](#) or any other requirements established by the city. The authority shall require septage haulers to obtain liquid waste hauler permits.
- (c) No hauled septage from an industry shall be accepted at the POTW nor discharged at any other point in the sanitary sewer system.
- (d) Septage haulers may discharge loads only at locations designated by the authority. No load may be discharged without prior consent of the authority. The authority may collect samples of each hauled load to ensure compliance with applicable standards. The authority may require the septage hauler to provide a waste analysis of loads prior to discharge.
- (e)



Septage haulers must provide a waste-tracking form for every load. This form shall be designed by the city and a part of the liquid waste hauler permit. The form shall identify the origin of the wastes.

(Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

See note at [§ 94-128](#)

### **Sec. 94-132. - Transportation and testing of hauled waste.**

All hauled waste shall be transported in watertight tanks. No waste may be spilled or leaked while the waste is being handled, transported, stored or discharged. The department may test any waste prior to discharge for abnormal and hazardous substances and refuse to allow that waste to be discharged.

(Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

See note at [§ 94-128](#)

### **Sec. 94-133. - Inspection and marking of vehicles carrying septage.**

No person shall discharge or cause to be discharged any septage under a liquid waste hauler permit as required by [section 94-128](#) unless the vehicle carrying the waste has been inspected and approved by the Caddo-Shreveport health unit and the vehicle's tank capacity in gallons is clearly marked or identified on the tank.

(Ord. No. 114, 2008, 9-23-08)

*Editor's note—*

See note at [§ 94-128](#)

### **Sec. 94-134. - Right of entry, inspection and sampling.**

- (a) *Right of entry.* The authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the authority ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, testing, records examination and copying, and the performance of any additional duties.
- (1) 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 controlling authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
  - (2) The authority 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.
  - (3) The authority 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 semiannually to ensure their accuracy.
  - (4) 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 request of the authority and shall not be replaced.
  - (5) Unreasonable delays in allowing the authority access to the user's premises shall be a violation of this article.
  - (6) The authority of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated servitude for purposes such as but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the servitude. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated servitude pertaining to the private property involved.
- (b) *Inspection.* The authority shall inspect all categoricals and significant industrial users at least once a year in accordance with 40 CFR 403.8(f)(2)(v).
- (c) *Sampling.*
- (1) The authority shall sample all categoricals and significant industrial users at least once per year in accordance with 40 CFR 403.8(f)(2)(v).
  - (2) All categoricals and significant industrial users shall sample their discharge and report to the authority at a frequency determined by the authority, but in no case less than once every six months in accordance with the requirements of 40 CFR 403.12(e), (g) and (h).
  - (3) All other users requiring monitoring shall monitor at least once per year.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

### **Sec. 94-135. - Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring reports, and from pretreatment or facility inspection and sampling activities, shall be available to the public without restriction. 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 or LPDES programs or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 138, 2003, S 7, 9-23-03)

### **Sec. 94-136. - Accidental discharge/slug control plans.**

The authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan within one year of being designated a significant industrial user. The permit may require any user to develop, submit for approval, and implement such a plan. Alternatively, the authority may develop such a plan for any user. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the authority (318-673-7690) of any accidental or slug discharge, as required by the discharge permit; and
- (4) 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.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

### **Sec. 94-137. - Reporting.**

The following reports shall be required when applicable. The reports and other documents are:

- (1) **Baseline monitoring reports.** Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the authority a report which contains the information listed in subsection (2) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the authority a report which contains the information listed in subsection (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Users described in subsection (1) herein, shall submit the information set forth below.
  - a. **Identifying information.** The name and address of the facility, including the name of the operator and owner.
  - b. **Environmental permits.** A list of any environmental control permits held by or for the facility.
  - c. **Description of operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - d. **Flow measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
  - e. **Measurement of pollutants.**
    - (i) The categorical pretreatment standards applicable to each regulated process.
    - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the authority, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. In cases where compliance with a best management practice or pollution prevention alternative is required, the user shall submit documentation as required by the control authority to determine the compliance status of the user. The sample shall be representative of daily operations and shall be analyzed in accordance with analytical procedures.
    - (iii) Sampling must be performed in accordance with procedures set out in [section 94-125](#) of this article.
  - f. **Certification.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - g. **Compliance schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, a schedule for compliance must be approved by the authority. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this article.
  - h. **Signature and certification.** All baseline monitoring reports must be signed and certified.
- (2) **Compliance schedule progress reports.** The following conditions shall apply to the compliance schedule, if required:
  - a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards;
  - b. No increment referred to above shall exceed the time approved by the authority.
  - c. The user shall submit a progress report to the authority no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the

increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

- (3) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the authority a report containing the information described above. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this article.
- (4) *Periodic compliance reports.*
- a. All significant industrial users shall, at a frequency determined by the authority but in all cases at least once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where compliance with a best management practice or pollution prevention alternative is required, the user shall submit documentation as required by the control authority to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with this article.
  - b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
  - c. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the authority, using the procedures prescribed in this article, the results of this monitoring shall be included in the report.
- (5) *Reports of planned significant change.* Each user must notify the authority of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.
- a. The user shall submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
  - b. The authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit this article in response to changed conditions or anticipated changed conditions.
  - c. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 1,000 GPD or greater, and the discharge of any previously unreported pollutants.
- (6) *Reports of potential problems.*
- a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the authority of this incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
  - b. Within five days following such discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may 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 user of any fines, penalties, or other liability which may be imposed pursuant to this article.
  - c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in the paragraph above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (7) *Reports from unpermitted users.* Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the authority as the pretreatment program requires.
- (8) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the authority within 24 hours of becoming aware of the violation. The user shall, at a minimum, and in addition to any other required corrective action specified by the control authority, also repeat the sampling and analysis and submit the results of the repeat analysis to the authority within 30 days after becoming aware of the violation. If the authority monitors at the user's facility at least once per month, or between the user's initial sampling and the time when the user receives the results of this sampling, then the user may not be required to resample.
- (9) *Provision governing fraud and false statements.* Documents required to be submitted and/or maintained shall be subject to:
- a. The provisions of 18 USC section 1001 relating to fraud and false statements;
  - b. The provisions of section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
  - c. The provisions of section 309(c)(6) of the Act regarding responsible corporate officers.
- (10) *Reporting requirements.* All categorical and significant industrial users shall report at least once every six months.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

### **Sec. 94-138. - Permits required.**

- (a) *Industrial users other than restaurants.* Industrial users other than restaurants shall be required to obtain a wastewater discharge permit, and shall not commence any construction, modification or addition to any industrial facility which discharges or will discharge industrial waste without first submitting a discharge permit application.

- (1) *Permit application submittal.*
- a. Existing users who were discharging wastewater into the POTW prior to the effective date of this article must submit a permit application (as shown in Appendix I [not set out herein; on file with the city]) within 90 days prior to the expiration date of the existing permit.
  - b. New sources or proposed users are required to obtain a wastewater discharge permit prior to the beginning of such discharge. This application must be approved prior to the date which any discharge will begin.
  - c. Each application for which a standard permit fee is prescribed shall be accompanied by remittance in full amount of the appropriate permit application review fee. No application shall be accepted or processed prior to payment of the full amount specified.
  - d. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision with a notice of deficiency.
  - e. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:  
"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 assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system, or those 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 fine and imprisonment for known violations."
- (2) *Wastewater discharge permit contents.* Wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the authority to prevent pass through or interference, protect the quality of the receiving water body, the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- a. Wastewater discharge permits shall contain, but are not limited to:
    - (i) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
    - (ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with this article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
    - (iii) Effluent limits based on categorical standards, local limits, and other state and local standards;
    - (iv) Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
    - (v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
    - (vi) Requirements to control slug discharges, if determined by the POTW to be necessary; and
    - (vii) Any best management practices required by the federal, state, or local authorities and documentation of compliance therewith.
  - b. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
    - (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
    - (ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
    - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
    - (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
    - (v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
    - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
    - (vii) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
    - (viii) Other conditions as deemed appropriate by the authority to ensure compliance with this article, and state and federal laws, rules, and regulations.
- (3) *Wastewater discharge permit duration.* A standard wastewater discharge permit shall be issued for a period of five years from the effective date of the permit. Temporary wastewater discharge permits shall be issued for a period less than five years, at the discretion of the authority, if the user is classified as a significant noncompliance user. Each wastewater discharge permit will indicate a specific beginning date and a date upon which it will expire.
- (4) *Wastewater discharge permit modification.* The authority may require a user to modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
  - b. To address significant alterations or additions to the user's operation, processes, wastewater volume or character discharge permit issuance;
  - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - d. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;



- e. Violation of any terms or conditions of the wastewater discharge permit;
  - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - h. To correct typographical or other errors in the wastewater discharge permit;
  - i. To reflect a transfer of the facility ownership or operation to a new owner or operator; or
  - j. The voluntary request by the user.
- (5) *Wastewater discharge permit transfer.* Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives advance notice to the authority and the authority approves the wastewater discharge permit transfer. The notice to the authority must include a "written certification" by the new owner or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- (6) *Statement of denial for change of process.* A statement to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the treatment system, where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the authority to violate its NPDES or LPDES permit.
- (7) *Upset.* Incident shall be reported to the authority within two hours of becoming aware of the upset and shall be followed by a written submission within five days.
- (8) *By pass.* The provisions for by pass are as follows:
- a. *Notice.* If an industrial user knows in advance of the need for a by pass, it shall submit prior written notice to the authority, if possible at least ten days before the date of the by pass.
  - b. *Prohibition of by pass.*
    - (i) By pass is prohibited, and the authority may take enforcement action against an industrial user for a by pass, unless: (a) the by pass was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) there were no feasible alternatives to the by pass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by pass which occurred during normal periods of equipment downtime or preventative maintenance; and (c) the industrial user submitted notices as required under subsection (8)(1) above.
    - (ii) The authority may approve an anticipated by pass, after considering its adverse effects, if the authority determines that it will meet the three conditions listed above.
- (b) *Restaurants.* Restaurants must obtain coverage under a general permit issued by the city's department of operational services in order to be authorized to discharge wastewater into the sanitary sewer system. Permit coverage shall be obtained as follows:
- (1) Upon the issuance by the city of a general permit for restaurants, facilities with existing individual permits will be automatically covered by the general permit and the individual permits shall terminate, as of the effective date of the general permit.
  - (2) Facilities without existing individual permits shall obtain general permit coverage by submitting a notice of intent to be covered by the general permit, utilizing an approved city form. General permit coverage for a facility shall be effective as of the date of receipt by the city of a properly completed notice of intent.
  - (3) Permit fees shall be prorated and assessed as a quarterly charge on each restaurant's water bills. Continued coverage under the general permit shall be contingent upon timely payment of the quarterly charge.
  - (4) Coverage under the general permit is non-transferable.
- If any provision or item of this section or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this section which can be given effect without the invalid provisions, items or applications and to this end the provisions of this section are hereby declared severable.
- (c) *[Conditions for granting or renewing permits.]* No permit shall be granted or renewed unless the industrial user seeking the permit has first obtained all licenses and permits to operate the facility in question from all applicable local, state and/or federal agencies as may be required by local, state or federal law or regulation, and no permit shall be granted or renewed if there are any fines or delinquent payments owed by the user to the city.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 56, 2003, 5-27-03; Ord. No. 138, 2003, § 8, 9-23-03; Ord. No. 114, 2008, 9-23-08)

### **Sec. 94-139. - Publication of users in significant noncompliance.**

The city shall publish annually, in the largest daily newspaper published in the municipality, a list of the users which, during the previous 12 months, were in significant noncompliance as defined in this article. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3)



Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through including endangering the health of POTW personnel or the general public;

- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report compliance or noncompliance; or
- (8) Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

### **Sec. 94-140. - Regulating waste discharge from other jurisdictions.**

Any user of the city's POTW shall be subject to all rules and regulations pertaining to the POTW and its jurisdiction.

- (1) The city enters into an agreement with the neighboring jurisdiction, in which the industrial user is located, to provide for the implementation and enforcement of the pretreatment program requirements against the industrial user.
- (2) Multi-jurisdiction agreements would require that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality to regulate such dischargers.

(Ord. No. 120, 1994, 7-12-94)

### **Sec. 94-141. - Miscellaneous provisions.**

(a) *Pretreatment charges and fees.* The following wastewater discharge permit fees shall apply:

- (1) *Significant categorical user fees.*
  - a. Regular permit (five years) \$2,500.00
  - b. Temporary permit (one year) 1,000.00
  - c. Modification—Voluntary 200.00
  - d. Modification—Mandatory No charge

- (2) *Significant non-categorical user.*
  - a. Regular permit (five years) \$1,500.00
  - b. Temporary permit (one year) 600.00
  - c. Modification—Voluntary 200.00
  - d. Modification—Mandatory No charge

- (3) *Non-significant user (except restaurants).*
  - a. Regular permit (five years) \$500.00
  - b. Temporary permit (one year) 200.00
  - c. Modification—Voluntary 200.00
  - d. Modification—Mandatory No charge

- (4) *Restaurants (including other food preparation facilities), per quarter \$25.00*

(b) *Severability.* If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

(c) *Wastewater discharge permit revocation.*

- (1) *Termination.* Wastewater discharge permits shall be terminated upon completion of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are terminated upon the issuance of a new wastewater discharge permit to that user.

- (2) *Revocation.* A wastewater discharge permit may be subject to revocation for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the authority of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification of changed conditions;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow inspectors timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 152, 2009, 12-8-09)

## Sec. 94-142. - Enforcement.

### (a) *Administrative enforcement.*

- (1) *Notification of violation.* When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may serve upon that user a written notice of violation. Within the days specified of receipt of this notice, the user shall correct the violation or provide an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the authority. Submission of this 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 to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (2) *Consent orders.* The city may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders and shall be judicially enforceable.
- (3) *Show cause hearing.* The city shall allow a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the opportunity to meet with the authority upon request of the user.
- (4) *Compliance orders.* When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city 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 that 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.
- (5) *Cease and desist orders.* When the authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the authority may issue an order 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.
- (6) *Administrative fines.*
  - a. When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment or requirement, the authority may fine such user a penalty not to exceed \$1,000.00 per violation per day.
  - b. Unpaid charges, fines, and penalties shall, after 30 calendar days be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of 12 percent per year. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
  - c. The authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. In addition to fines, the user may be required to reimburse the city for other expenses associated with enforcement activities, including sampling and monitoring activities, and the cost of any actual damages incurred by the city.
  - d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (7) *Emergency suspensions* The authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, or may present endangerment to the operation of the POTW or may present an endangerment to the environment. Written notice shall follow within seven days.
  - a. The authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the authority that the period of endangerment has passed, unless the termination proceedings in this article are initiated against the user.
  - b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the authority.
- (8) *Termination of discharge.* In addition to the above provisions of this article, any user who violates the following conditions is subject to discharge termination:
  - a. Violation of wastewater discharge permit conditions;
  - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - e. Violation of any pretreatment standards of this article.
- (9) *Appeals of administrative enforcement actions.* Users desiring to dispute any enforcement actions must file a written appeal with the comprehensive environmental board of appeals in accordance with the procedures established by the board. A timely and properly filed appeal shall suspend the effect of the action appealed until the board has ruled on the appeal, except for actions taken in order to stop an actual or threatened discharge determined by the director of

the department of operational services to present or cause imminent or substantial endangerment to the health or welfare of persons, the operation of the POTW, or the environment.

**(b) Judicial enforcement remedies.**

- (1) Injunctive relief.** Whenever a user has violated, or continues to violate, any provision of this article, wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the authority may petition the city court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The authority 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.
- (2) Civil penalties.**
  - a.** Whenever a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may be liable to the city to pay a civil penalty not to exceed \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
  - b.** The authority shall recover attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
  - c.** In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
  - d.** Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (3) Criminal prosecution.**
  - a.** Whenever a user willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than five years, or both.
  - b.** Whenever a user willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty not to exceed \$1,000.00, or be subject to imprisonment for not more than five years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
  - c.** Whenever a user knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than five years, or both.
  - d.** In the event of a second conviction, a user shall be punished by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than five years, or both.
- (4) Remedies nonexclusive.** The remedies provided for in this article are not exclusive. The authority shall take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the city's enforcement response plan. However, the authority may take other action against any user when the circumstances warrant. Further, the authority is empowered to take more than one enforcement action against any noncompliant user.

**(c) Supplemental enforcement action.**

- (1) Financial assurance.** The authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (2) Water supply severance.** Whenever a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (3) Public health nuisances.** A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the authority. Any person(s) creating a public nuisance shall be subject to the provisions of this article governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying the nuisance.
- (4) Contractor listing.** Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant non compliance with pretreatment standards or requirements shall be terminated.

(Ord. No. 120, 1994, 7-12-94; Ord. No. 114, 2008, 9-23-08)

**Secs. 94-143—94-160. - Reserved.**