

ARTICLE III. - WASTEWATER

DIVISION 1. - GENERALLY

Sec. 23-56. - Purpose and policy.

This article establishes requirements applicable to any discharge to the wastewater collection and treatment system owned by the city (wastewater collection and treatment system) and operated by the municipal utilities board of the city (the board); sets forth uniform requirements for the protection of the health, safety and welfare of the citizens of the city and the environment; enables the board to ensure compliance with all applicable state and federal laws required by the Clean Water Act of 1972, 33 U.S.C. §§ 1251 et seq., including general pretreatment regulations (40 CFR, Parts 401 et seq., including amendments) and the laws of the state; and authorizes the board and general manager of the board to take such action and establish such requirements, including restrictions, limitations, fees, charges, assessment of fines and issuance of permits, authorizations, and directives, enter into contracts or other agreements, to implement the provisions of this article.

This article shall apply to all persons or entities which discharge, contribute, or may discharge or contribute, to the wastewater collection and treatment system, both within and outside the city limits of the city. Any person or entity that discharges or contributes wastewater, pollutants, or any materials into the board's wastewater system, shall comply with all requirements of this article, as well as any permits, authorizations, contracts, directives or orders or other conditions of the board or general manager issued hereunder, and shall comply with all applicable federal and state law. Except as otherwise provided herein, the general manager of the board or his designees shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the general manager may be delegated by the general manager to other board personnel.

Persons or entities who discharge wastewater comprised solely of human excrement and/or household gray water to the wastewater collection and treatment system are subject to article III, but are not subject to the provisions of article III-A. Non-domestic users of the wastewater collection and treatment system are subject to article III and provisions of article III-A.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-57. - Objectives.

- (a) Provide safe, reliable, and effective wastewater collection and treatment services for the citizens of the city and such other persons or entities as the board or general manager authorize to discharge to the wastewater collection and treatment system.
- (b) Protect environmental and community resources, and water quality.
- (c) Prevent the introduction of pollutants into the board's wastewater system that will interfere with the operation of the system or negatively affect the quality of the resulting sludge or its marketability.
- (d) Prevent the introduction of pollutants into the board's wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
- (e) Provide for the equitable distribution of the cost of the board's wastewater collection and treatment relating to industrial users of the system amongst those industrial users.
- (f) Protect, in addition to the general public, the board's personnel who may come into contact with sewage, sludge and effluent in the course of their employment.
- (g) Ensure the board's compliance with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the board's wastewater system may be subject.
- (h) Improve the opportunity to recycle and reclaim wastewater and sludges from the system.
- (i) Protect health, safety, and welfare of the citizens of the city and the public investment in the sewer collection and

treatment system.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-58. - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in the "wastewater ordinance" shall have the meanings hereinafter designated:

Act or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq.

Alternative grease removal system: Any FOG removal system other than a 1,000 gallon or larger outdoor gravity grease interceptor that has been approved by the general manager.

Approval Authority: The approval authority shall be the Alabama Department of Environmental Management (ADEM), the successor to AWIC.

Authorized representative of industrial user: An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president or higher level of responsibility and delegation, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Batch process: Batch process means a noncontinuous operation in the production, manufacturing, treatment or other non-domestic user operation involving intermittent or discontinuous feed into equipment, and, in general, involves the emptying of the equipment after the batch operation ceases and prior to beginning a new operation. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. Examples include processes in which a tank or reactor is filled, the wastewater (or solution) is treated or a chemical solution is prepared, and the tank is emptied. The tank may then be filled and the process repeated. Batch processes are also used to cleanse, stabilize or condition chemical solutions for use in the industrial manufacturing and treatment processes.

Biochemical oxygen demand: Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) centigrade, expressed in parts per million by weight.

Board: Shall mean the Municipal Utilities Board of the City of Decatur.

Building sewer: Shall mean the extension from the building drain to the sewer lateral at the property line or other lawful place of disposal.

Categorical standards or categorical pretreatment standards: Federal categorical pretreatment standards promulgated at 40 CFR, Parts 403 through 699, including subsequent amendments.

City: The City of Decatur or City Council of the City of Decatur.

Chemical oxygen demand: Shall mean the quantity of dissolved oxygen required for the chemical oxidation of decomposable matter under aerobic conditions.

Composite sample: Shall be time-composite sample collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals for the total period of discharge not to exceed 24 hours taken by methods prescribed pursuant to 40 C.F.R. Part 136 and contemporary certified laboratory protocols.

Contractual arrangement: Shall mean a contract between a user, discharger or contributor and the board. A permit issued by the board to a user, discharger, or contributor is also referred to as a contractual arrangement.

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

Constituents: Shall mean the individual or combination of particles, chemicals or conditions, including physical conditions which exist in the waste or wastewater.

Direct discharge: The discharge of treated or untreated wastewater directly to the waters of the State of Alabama.

Discharge: The introduction of any substance, material, or pollutant into the board's wastewater collection and treatment system by any means whatsoever.

Effluent. Shall mean the discharge from a reservoir, basin, treatment process or treatment facility, or other facility, and includes all wastewater discharged to or from the board's wastewater collection and treatment system.

Effluent limits. Pollutant limitations developed by a POTW for each industrial plant discharging to the POTW system. At a minimum, all industrial facilities are required to comply with the provisions of this wastewater ordinance and any applicable state or federal laws or discharge standards. The industries covered by categorical pretreatment standards must also comply with all discharge limitations, prohibitions, conditions and provisions of this wastewater ordinance, including the provisions of article III-A non-domestic sewer use ordinance which may be more stringent than and in addition to the Act, national pretreatment regulations, categorical pretreatment standards, or the Alabama Water Pollution Control Act. The board or general manager may also establish local limits more stringent than or in addition to any federal, state, or other standards for some or all of its industrial users.

Environmental Protection Agency: A regulatory agency established by the U. S. Congress to administer the nation's environmental laws; the U. S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of said agency.

Fats, oils and greases (FOG): Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Commonly these substances are found in the wastewater from food preparation and food service. FOG may originate from, but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease-containing materials may exit.

Food service facility (FSF): Any facility including, but not limited to, any restaurant, eatery, food caterer, cafeteria, grocery store, service station, convenience store, manufacturing facility, sandwich shop, or institution which cuts, cooks, bakes, prepares, serves, or makes available for consumption any food products by any prescribed method, or which disposes of food related wastes.

General manager: The person designated by the board to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Grab sample: A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time and taken by methods prescribed pursuant to 40 C.F.R. Part 136 and contemporary certified laboratory protocols.

Holding tank waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge: The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the board's wastewater collection and treatment system (including holding tank waste discharged into the system).

Industrial plant: Shall mean any plant producing liquid waste, with or without bearing suspended solids, required to be discharged either with or without pretreatment, into the board's wastewater system.

Industrial plant site: Shall mean a parcel of land occupied by a facility that discharges industrial waste.

National pretreatment regulations: Shall mean the regulations promulgated at 40 CFR, Part 401 through 699. Federal categorical pretreatment standards are included in the national pretreatment regulations.

Normal operations: Shall mean the operational characteristics as described in any permit or authorization issued by the board or general manager and specifically includes but is not limited to flow, volume, management practices or limitations. In the absence of a permit or authorization, operational characteristics as submitted by the user in any application, industrial waste survey, or other documentation provided to the board or general manager.

Surcharge: Shall mean an additional service charge assessed to persons or entities discharging to the board's wastewater collection and treatment system whose waste characteristics exceed levels specified in article III-A, non-domestic sewer use ordinance.

Industrial wastewater: Non-domestic wastewater originating from a non-residential source.

Interference or interfere: A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the board's treatment processes or operations or its sludge processes, use or disposal, or may contribute to a violation of any requirement of the board's permit or causes damage to any part of the collection, treatment, and disposal system; and includes prevention of sewage sludge use or disposal. The term includes prevention of sewage sludge use or disposal by the board in accordance with 405 of the Act, (33 U.S.C. 1345) or any Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, applicable to the method of disposal or use employed by the board.

Local limit: Shall have the same meaning as set forth in the national pretreatment regulations.

National pollution discharge elimination system permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

Non-domestic pollutant or non-domestic wastewater: Any substance other than human excrement or household gray water.

Non-domestic sewer use ordinance: Shall mean the provisions of article III-A of chapter 23 of the Decatur Code of Ordinances.

Ordinance: When used in article III means "wastewater ordinance"; when used in article III-A, means "wastewater ordinance" and "non-domestic sewer use ordinance."

Pass through: A discharge which exits the wastewater collection and treatment system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of board's NPDES permit, including an increase in the magnitude or duration of a violation.

Person or owner: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representative agents or assigns. This definition shall include all federal, state and local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH: The reciprocal of the log of the weight of hydrogen ions in grams per liter of solution.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical constituent or waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water, and includes certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Pretreatment or Treatment: 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 the board's wastewater treatment facilities. Pretreatment shall also mean that biological, physical or chemical treatment given to waste are those processes utilized for this purpose before discharge into the sanitary sewer system by any means except as prohibited by 40 C.F.R. Section 403.6(d), which includes a prohibition on dilution. Appropriate pretreatment technology includes control equipment for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. Section 403.6(e).

Pretreatment Coordinator: Board personnel who conduct inspections of industrial pretreatment facilities and food service facilities to ensure protection of the environment and compliance with this ordinance and all pretreatment regulations.

Publicly owned treatment works or POTW: A treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. The board's wastewater collection and treatment system is a POTW and when the term POTW is used it shall refer to the board's POTW, which is a part of the board's wastewater collection and treatment system.

Sewer or sanitary sewer: The system of point sources, pipes, conduits, manholes, sewers, and similar structures which transmit wastewater, pollutants, or other materials to the board's POTW. Sewers are a part of the board's wastewater collection system.

Shall is mandatory. *May* is permissive.

Slug load: Any pollutant (including BOD) released in a discharge at a flow or concentration that will cause a violation of any discharge standard, limitation, or condition of this ordinance or create any difficulty or cause the use of additional treatment, equipment, or resources at the POTW for treatment.

Suspended solids: Solids that either float on the surface of, or that are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Toxic pollutant: 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.

Treatment plant: Any device or system used in collection, storage, treatment, recycling and/or reclamation of wastewater.

User: Any person who contributes, causes or permits the contribution or discharge of non-domestic wastewater into the board's wastewater collection and treatment system.

Wastewater or wastes: The used water and water-carried solids or associated physical and chemical conditions of water that flow into the board's wastewater collection and treatment system, and includes, but is not limited to, all liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, businesses, pretreatment facilities, and institutions whether treated or untreated and which are contributed to the board's wastewater collection and treatment system. Hazardous wastes under the Resource Conservation and Recovery Act (RCRA) or state law are prohibited from discharge to the board's wastewater collection and treatment system and are not wastewater or waste under this ordinance.

Wastewater collection and treatment system: The system of point sources, pipes, conduits, manholes, sewers, and similar structures which transmit wastewater, pollutants, or other materials to the board's POTW, and includes the POTW and any facilities and equipment used in the board's operation of the POTW and collection system.

Wastewater ordinance: The provisions of articles III and III-A of chapter 23 of the Decatur Code of Ordinances.

Water closet: Shall have the meaning set forth in section 7-86 of the Code of the City of Decatur.

Waters of the state: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoir, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(Ord. No. 08-3954, § 1, 7-7-08; Ord. No. 13-4156, 7-15-13)

Sec. 23-59. - Abbreviations.

The following abbreviations shall have the designated meanings:

- (1) ADEM: Alabama Department of Environmental Management.
- (2) Board: The municipal utilities board of the city.
- (3) BOD: Biochemical oxygen demand.
- (4) CFR: Code of Federal Regulations.
- (5) COD: Chemical oxygen demand.
- (6) CERCLA: Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq.
- (7) EPA: Environmental Protection Agency.
- (8) l: Liter.
- (9) MGD: Million gallons per day.
- (10) mg: Milligrams.
- (11) mg/l: Milligrams per liter, also known as parts per million.
- (12) NPDES: National pollutant discharge elimination system.
- (13) O/G: Oil and grease.
- (14) POTW: Publicly owned treatment works.
- (15) RCRA: Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.
- (16) SIC: Standard industrial classification.
- (17) SID: State indirect discharge permit.
- (18) SWDA: Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- (19) TSS: Total suspended solids.
- (20) TTO: Total toxic organics.
- (21) USC: United States Code.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-60. - Sanitary sewer access policy for users outside the city limits.

The city council recognizes that growth of a municipality is a legitimate governmental purpose and that a municipal government is, first and foremost, responsible to the citizens residing within its corporate limits. For this purpose and for the benefit of its citizens, the council determines that, from and after the effective date of this ordinance, subject to completion dates and any extensions of completion dates as herein provided and subject to any applicable exceptions contained hereinafter, access to the city's sanitary sewer system shall be allowed only upon satisfaction of the following requirements:

- (1) The proposed user is a direct water customer of the city;
- (2) The subject premises are located within the corporate limits of the city; and
- (3) The proposed user has satisfied all other requirements of connection contained in this article.

(Ord. No. 08-3955, § 1, 6-2-08)

Sec. 23-61. - Same—Findings.

The city council's reasons and purposes supporting this policy are contained in the stated findings introducing the ordinance which enacted these provisions of chapter 23, Code of Decatur, and the same are hereby adopted by reference as if fully set out herein.

(Ord. No. 08-3955, § 1, 6-2-08)

Sec. 23-62. - Same—Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

Access. A connection of a private sanitary sewer line or lateral to sanitary sewer mains, lines or interceptors, whereby wastewater is or may be contributed.

Annexation or annex. A statutorily or legislatively authorized process by which real property and all improvements thereon are brought within the corporate limits of the city.

Applicant. A person, firm or corporation that has failed to meet the required completion date and is making an application to appeal to the city council for an extension of the completion date in accordance with the provisions hereof.

Approval date.

- (1) For a residential development, as that term is defined herein, which is located outside the city's corporate limits, the date that the city planning commission initially approved the preliminary plat or plan of the same. For the purposes of this definition and its application in this division, subsequent approvals required by subdivision regulations shall not be considered "initial approval."
- (2) For a potential establishment outside the city's corporate limits that is not within a residential development, to be eligible to access sanitary sewers without annexation as otherwise required by this policy, the date a building permit was issued by the city for its construction.

Completion date. The date of completion of all phases of the residential development or the date of completion of a potential establishment, as herein defined, or both, depending upon the context.

Completion of construction of a potential establishment. Shall be considered done when signified by the city's issuance of a certificate of occupancy.

Completion of construction of a residential development. Defined as the meeting of each of the following requirements:

- (1) All phases of the residential development have been completed in accordance with the approved plat or plan and subdivision regulations (except bonding for sidewalks and for final roadway wearing layer and shoulder work);
- (2) The same have been inspected and accepted by the appropriate authorities;
- (3) The plat or plan has been signed by all public officials required to execute the same; and
- (4) The plat or plan of the has been properly recorded as required by law.

Date of enactment. The date the ordinance enacting this policy is published in a newspaper of general circulation in the municipality.

Effective date. The date established herein from and after which the provisions hereof have force and effect.

Potential establishment. An individual structure, dwelling unit, facility, or development of whatever nature, use, or occupancy that is a direct city customer for water only, and not presently accessing sanitary sewer mains, interceptors, etc., of the city.

Proposed user. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns, making proper application to the city for access to the city's sanitary sewer system for any structure, facility, or development of whatever nature, use, or occupancy.

Residential development. Any single family, multi-family, or mixed use development located outside the city limits which, if developed and built inside the city limits, would be classified as a residential subdivision, a redevelopment district (RD), or a planned residential development (PRD) district.

Sanitary sewer or sewer mains, lines, interceptors, etc. City-owned sanitary sewers meeting all the following criteria:

- (1) Located within public easements, lands or rights-of-way which are capable of being utilized for that purpose;
- (2) Constructed and/or maintained by the city for the purpose of transporting wastewater from more than one (1) establishment or user for treatment by the city;
- (3) Approved by Decatur Utilities and accepted by the city;
- (4) Has sufficient capacity to accept the additional flow;
- (5) Not a lateral or private sewer; and
- (6) Carries wastewater and to which storm, surface and ground waters are excluded.

The term expressly excludes laterals or private sewers.

Wastewater. Sanitary sewage consisting of liquids and solids constituting normal domestic sewage capable of being treated by the city's publicly owned treatment works, which is contributed or discharged into the sanitary sewer system of the city.

(Ord. No. 08-3955, § 1, 6-2-08)

Sec. 23-63. - Grant sewers.

Access will be permitted to a sanitary sewer without annexation if the sanitary sewer was constructed by the city with federal or state grant funds which were disbursed to the city as grantee and which were provided through an agreement containing a specific, current and enforceable condition which requires access to be permitted to such sanitary sewers without annexation. However, terms of grant agreements notwithstanding, in order for access to continue, the sanitary sewer system must be evaluated by Decatur Utilities and it must be determined that the system possesses adequate capacity to accommodate the additional flow.

(Ord. No. 08-3955, § 1, 6-2-08)

Sec. 23-63.1. - Sewer improvement assessment project.

Access will be permitted to a sanitary sewer without annexation if the sanitary sewer that serves this property was constructed by the city through a public improvement and assessment project, if all of the following conditions are met:

- (1) The frontage of the property proposed to be drained or served by the said sanitary sewer or the territory or area drained, served or benefited by said sanitary sewer was within the designed service boundaries of the original sewer improvement assessment project.
- (2) All assessments against the subject property proposed to be served and any other liens related to the sewer improvement assessment project against the said property must have been paid in full.
- (3) The owner of the property requesting access to the sanitary sewer must provide documentation to the city that condition 1 and condition 2 above both have been met.

However, the terms of the said sewer improvement assessment project and also compliance with the above conditions notwithstanding, in order for access to be granted, the sanitary sewer system must be evaluated by Decatur Utilities and it must be determined that the system possesses adequate capacity to accommodate the additional flow from said property.

(Ord. No. 10-4046, § 1, 10-4-10)

Sec. 23-64. - Public facilities.

Access will be permitted without annexation to publicly owned and operated buildings and facilities that are potential establishments if and only if a resolution is duly adopted by the city council determining that such access will not be detrimental to the city or its water and/or sewer system and that such service without annexation serves to benefit the public health, safety and welfare.

(Ord. No. 08-3955, § 1, 6-2-08)

Sec. 23-65. - Effective date and grace periods.

- (a) *Effective date.* In order to accommodate, within reason, those who within the immediate future might be adversely affected by this policy, the provisions of this ordinance shall not come into force and effect until August 1, 2008. Grace periods beyond said date of up to one hundred eighty (180) calendar days are also available to eligible types of developments and structures as more particularly set forth herein.
- (b) *Residential developments.* For a residential development within which all structures will be potential establishments, eligibility to access the city's sanitary sewer system without being required to annex shall be determined by the following criteria:
 - (1) *Approval prior to effective date.* The approval date, as defined in section 23-62(d)(1), must be prior to August 1, 2008.
 - (2) *Completion within one hundred eighty (180) calendar days.* All phases of said development must be completed, as herein defined, within one hundred eighty (180) calendar days of the approval date. If approval of the plat or plan occurred prior to the date of enactment, then, for purposes of this division, the date of enactment shall serve as the approval date.

Under such circumstances, all potential establishments on parcels within such development may access city sanitary sewers at any time in the future without annexing into the city. Provided, however, if all phases of the development have not been completed within one hundred eighty (180) calendar days of the approval date, then only those potential establishments on parcels within the phases which have been completed, as herein defined, may access city

sanitary sewers without annexation into the city. No potential establishment on any parcel of such a development not completed within one hundred eighty (180) calendar days of the approval date may ever access the city's sanitary sewers from outside its corporate limits.

- (c) *All other potential establishments.* For a potential establishment which is outside the city's corporate limits and which is not within a residential development as discussed hereinabove to be eligible to access city sanitary sewers without being required to annex, the same must meet the following criteria:
- (1) *Approval prior to effective date.* The approval date, as defined in section 23-62(d)(2), must be prior to August 1, 2008.
 - (2) *Completion date.* Construction of the potential establishment must be completed, as herein defined, within one hundred eighty (180) calendar days from the approval date. However, structures permitted by the building department prior to the date of enactment as multi-family "R-4" construction must be completed, as herein defined, within three hundred sixty-five (365) calendar days from the approval date. For purposes of this division, if the potential establishment received a building permit prior to the date of enactment, the date of enactment shall serve as the approval date.

Any potential establishment classified under subsection (c) which is not completed according to the criteria outlined above will be refused access to the city's sanitary sewers from outside the city's corporate limits.

- (d) *Appeals.* Any applicant failing to meet the completion date as established herein to be eligible for sanitary sewer access without annexation may appeal to the city council for an extension of the completion date in accordance with the following terms and conditions:
- (1) The applicant must file a written statement of appeal to the city council with the city clerk within thirty (30) days of what would have otherwise been applicant's completion date and also send copies of the appeal to the mayor, city attorney and the general manager of Decatur Utilities.
 - (2) The statement of appeal shall contain all relevant information in regard to how and in what manner applicant failed to meet the completion date. The city reserves the right to request additional information from the applicant.
 - (3) To qualify for consideration by the city council for an extension of the completion date, annexation of the subject property must be legally impossible at the time the statement of appeal is filed and continuing to be so at the time the city council considers and acts upon the appeal. The statement of appeal must contain facts and information including maps substantiating this requirement.
 - (4) The failure to meet the completion date must be attributable to facts and circumstances beyond the reasonable control of the applicant. The statement of appeal must contain facts and information sufficient to substantiate this requirement.
 - (5) The council will set a public hearing to consider any appeal for extension of the completion date that meets the requirements herein. At that hearing, the applicant and any other persons for or against the extension of the completion date may be heard.
 - (6) If the council determines that annexation is not legally possible at this time and that the failure to complete construction by the completion date is attributable to facts and circumstances beyond the reasonable control of the applicant then, the city council in the exercise of its legislative discretion and solely as a matter of grace, may grant an extension of the completion date of up to one hundred eighty (180) calendar days from what would otherwise have been the completion date for the applicant subject to the following terms and conditions:
 - a. Applicant must pay all applicable tapping fees and charges.
 - b. Applicant must make annual payments in lieu of all applicable property taxes which would otherwise have been assessed if the property were within the city.

- c. Applicant agrees that it will annex the property as soon as it is legally practicable or in the alternative volunt sanitary sewer service of the city.

(Ord. No. 08-3955, § 1, 6-2-08)

Secs. 23-66, 23-67. - Reserved.

DIVISION 2. - SEWER SYSTEM CONNECTION

Sec. 23-68. - When sewer system connection required.

All persons, entities, and property owners owning dwelling houses or other buildings in the city located near a sewer or in the block, within any sewer district in the city, through which a sewer extends shall make such connections with such sewer as in the judgment of the building director may be necessary for the purpose of disposing of all substances from any such buildings affecting the public health which may be lawful and properly disposed of by means of the sewer unless other plans have been submitted and approved by the building director.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-69. - Permit to connect to sanitary sewer.

- (a) No person, entity, or property owner shall make a connection to a sanitary sewer of the city without first making an application, in writing, to the board, giving a description of the premises to be connected to the city sewer and the location at which the connection is desired to be made and receiving from the wastewater department a written certificate of approval to make such connection insofar as that department is concerned.
- (b) Where no stub-out exists at or near the property line, a certificate shall not be issued until such time as provision is made satisfactory to the wastewater department to have such additions made as shall be necessary to provide an approved stub-out the cost of which shall be borne by the applicant.
- (c) The board and general manager are authorized to establish, pursuant to the division 4 of this article, fees, rates, and other charges for connection to and utilization of the board's sewer system, including water and sewer system development charges, fees for service, water meters and mains, collector extension costs, tap fees including additional or alternative service, and fees for services such as road and highway crossings required for sewer connection, and any other fees for stub work, plugging old stub locations, or similar activities. All such fees, rates, and charges shall be borne by the person or entity seeking to make connection to the sanitary sewer. Fees, rates, and other charges pursuant to this division will be set forth in the rules and regulations governing utility service from the board and may be amended from time to time by the board. No connection shall be permitted until such fees, rates, and other charges are paid in full.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-70. - Refusal of owner to make sewer connection.

If any person or entity shall fail, neglect or refuse to connect any building with the sewer system or construct other means of sewage disposal and as provided for in this division, for more than ten (10) days after being notified in writing by the board of health or the building director, then the city may advertise for bids for the construction and making of such sewer connection, and may contract therefor, to the lowest responsible bidder and cause such premises to be connected with the sewer system or other means of sewage disposal constructed and shall assess the costs and expenses thereof against the property and premises so

affected, such assessment to be made in the same manner as other special assessments are made; provided always, all such construction ordered by the board of health and the building director in accordance with the provisions of this division shall be in full compliance with the requirements hereof.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-71. - Compliance with law.

There shall be no discharge of waste into the sanitary sewer system until all wastewater requirements imposed by law, including this article, shall have been met.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-72. - Service subject to board rules.

All service furnished by the board shall be subject to the rules and regulations from time to time adopted and promulgated by the municipal utilities board.

(Ord. No. 08-3954, § 1, 7-7-08)

Secs. 23-73—23-77. - Reserved.

DIVISION 3. - ALTERNATIVE CONNECTION PROCEDURE

Sec. 23-78. - Connection required by council resolution—When permitted.

Whenever in the judgment of the city council it shall be deemed necessary or expedient for the protection of the public health to require the owner of any property in the city located within four hundred (400) feet of a sanitary sewer to install and connect water closets with the sewerage system of the city, the city council may in addition to the present regulations and in lieu thereof adopt a resolution declaring that in the opinion of the city council it is necessary or expedient that the work be done, which resolution shall give the name of the owner of the lot, the lot and block number, the survey in which the same is situated, shall describe the location at which the water closet shall be installed and shall describe the character of the work and the quality of the closet, including necessary water pipe lines to be installed and shall set forth the estimated cost of providing and installing same. The resolution shall also fix a day for the hearing of the property owner, which day shall be not less than twenty (20) days after the adoption of the resolution.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-79. - Same—Notice and service.

Upon the adoption of the resolution authorized by the preceding section the city clerk shall issue a notice to the property owner named in said resolution, which notice shall set forth the resolution so adopted, and shall notify the property owner to appear, either in person or by counsel, before the city council on the day named in said resolution to show cause, if any there be, why he should not peremptorily be required to forthwith construct a water closet at the place mentioned in the resolution at his own expense, which notice shall be served upon the property owner by the chief of police or any police officer by leaving a copy of the notice with said property owner, and it shall be the duty of the police officer making the service to make return in writing upon the notice of the city clerk, which notice shall be served at least ten (10) days before the day fixed in the resolution for hearing the same.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-80. - Same—Hearing of objections.

Upon the day fixed in the resolution authorized by section 23-78 of this division for hearing the property owner's objections, the city council shall proceed to hear any objections or defenses which the property owner may make in writing and hear all evidence which the property owner may offer in support of any protest or objection so made; provided, that if the property owner shall fail to protest in writing, which protest shall be filed with the city clerk or the council, then on the hearing of the resolution, he shall be held to have consented to the making of the connections in the manner provided in this division. Upon hearing the objections and resolution, the city council shall have power to peremptorily order by resolution the property owner to make such connections within ten (10) days thereafter.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-81. - Failure to comply; authority of city.

In case of a failure to install or connect the water closet with the sewer system of the city within ten (10) days after the peremptory resolution ordering the same shall have been adopted, it shall be the duty of the building director to install on the premises of the property owner a proper water closet, with necessary water supply line and connect the same with the sewerage system of the city at the expense of the property owner, the cost thereof to be a lien upon the property in favor of the city to be collected as other debts are collected or liens enforced; provided, that the closet and water pipe lines installed shall be of the kind designated in the original resolution provided for in chapter 7, article IV of this Code, and the costs of such installation shall not exceed the sum estimated in the original resolution; provided further, that the amount of such costs shall bear interest at the rate of eight (8) percent from the day of completion and installation as certified by the mayor, as provided in this division.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-82. - Statement of costs.

Upon the completion of the installation and connection of the water closet and water pipe line, the mayor shall prepare, or cause to be prepared, a statement in writing setting forth the name of the owner of the property and a description of the property on which such improvement has been made, together with the cost of such sanitary connection and installation of such closet and water pipe line, which statement shall be signed by the mayor in his official capacity and shall be filed with the probate judge of the county for record in the mortgage records of the county, and the filing of such statement shall operate as notice of the existence of the lien from the date of its filing.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-83. - Assessment for sewer connections—Payment.

Any person whose property shall have been assessed under the provisions of this division shall have the right to pay the assessment in cash at any time within thirty (30) days after the amount of such assessment shall have been ascertained by resolution adopted by the city council, notice of which shall be given to the property owner by registered mail at his last known address; provided, that the property owner shall also have the right in lieu of paying the assessment in cash, as provided in this section, to pay the same in monthly installments, each installment to equal one-twentieth 1/20 of the principal amount of the assessment, and at the time of paying such monthly installment the property owner shall also pay the interest on the unpaid balance from the date of the last preceding payment to the date upon which the monthly installment is paid; provided further, that if such property owner shall fail to pay the principal in cash within thirty (30) days after such notice that the assessment has been ascertained and fixed or shall fail to pay any monthly installments when due and the same shall remain in default for thirty (30)

days, then at the option of the city the entire amount shall become due and payable, and it shall be the duty of the city clerk to proceed to collect the same and enforce the payment in any court having jurisdiction or by sale, as provided by law, for foreclosing street improvement assessment liens.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-84. - Same—Protest of property owner.

The notice of lien provided for in section 23-82 of this division shall be filed for record in the office of the probate judge of the county until the property owner shall have been given notice by registered mail, addressed to his last known address, of the fact of the completion of such installation and the amount of the assessment as provided in section 23-83 of this division. At any time within five (5) days after such notice shall have been deposited in the post office of the city, in accordance with the provisions of this section, such property owner shall have the right to file in writing with the city clerk any protest or objection against the material used, the manner in which the work is constructed or the cost of such assessment, and it shall be the duty of the city council at its next regular meeting, after the filing of such protest, to hear the protest and any evidence which the property owner may offer, and the council may either confirm, modify or repeal the resolution fixing the assessment. If such property owner fails to protest within the time and manner stated in this section, he shall be held to have consented to such assessment, and the statement in writing provided for in section 23-82 of this division shall thereupon immediately be filed in the office of the probate judge.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-85. - Same—Appeal from action of council.

Any property owner feeling himself aggrieved by the action of the council in overruling any protest filed under the preceding section, either in whole or in part, may, within two (2) days after such assessment shall have been finally fixed, appeal to the circuit court of the county or such other inferior court as may hereafter be created, upon giving bond in twice the amount of the assessment with two (2) good and sufficient sureties, conditioned to prosecute such appeal and to pay to the city such judgment as the court may render upon the hearing of such appeal. Upon the appeal being taken it shall be the duty of the city clerk to forthwith send to the court to which the appeal is taken a transcript of the proceedings, including the protest and bond, and the cause shall be set for immediate hearing on the merits by the court which shall render judgment accordingly.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-86. - Connection by city; request by owner.

The wastewater department is authorized to make sewer connections to the sewer system of the city for owners when requested to do so where connection thereto is required by the provisions of this division, and in such instance, to make a reasonable charge for such service and to require a deposit sufficient to cover the cost thereof prior to the performance of the work.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-87. - Sewer connections deemed accessible.

The provisions of this division with reference to sewer connections shall be deemed to apply only where connection with a public sewer is or becomes reasonably accessible and connection shall be deemed to be reasonably accessible when such public sewers are within a distance of four hundred (400) feet of any outside line of the lot upon which such dwelling or other building is

located; provided, such sewer may be reached without crossing the property of another; provided further, that when such property or premises is not subdivided into lots and so designated on available surveys or maps of record, then the distance specified above shall be deemed to apply to the nearest portion of such dwellings or other buildings.

(Ord. No. 08-3954, § 1, 7-7-08)

DIVISION 4. - RATES, FEES, AND CHARGES

Sec. 23-88. - Authority,

The board and general manager are authorized to establish rates, using the procedures set forth below, and my establish fees, and other charges for utilization of the board's wastewater collection and treatment system, including sewer hookup, or any other service authorized by the wastewater ordinance, and its implementation, including the implementation and maintenance of the pretreatment program from users of the board's wastewater collection and treatment system.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-89. - Charges for sanitary sewer and other wastewater collection and treatment.

(a) Until modified pursuant to the provisions set forth in section 23-92 or adjusted as hereinafter provided, the monthly charges by the Municipal Utilities Board of Decatur, Morgan County, Alabama, doing business as Decatur Utilities ("DU") for sanitary sewer service, which shall apply to all customers whether domestic or non-domestic, shall include an access fee plus a usage charge, to be calculated as follows:

(1) *Access fee:* Access fees shall be the monthly charge designed to cover the cost associated with collecting sanitary sewer wastewater from the customer and transporting it to the wastewater treatment plant. The access fees may be adjusted by DU for increased expenses associated with maintaining access to a safe and reliable system, from time to time as hereinafter provided. The access fee shall be determined by the size of the water meter or wastewater meter, whichever is applicable, serving the account in the following amounts:

Meter Size	Effective October 2011 Billing Cycle
5/8 " meter	\$6.47
1" meter	\$13.78
1½" meter	\$25.95
2" meter	\$40.57
3" meter	\$79.53
4" meter	\$123.37
6" meter	\$245.14

8" meter	\$391.26
10" meter	\$561.74
12" or larger meters	\$732.22

(2) *Usage charge:* Effective with the May 2016 billing cycle, the usage charge shall be an amount equal to the total of these four (4) components:

- a. A charge per one thousand (1,000) gallons of water delivered through each water meter or wastewater received through each wastewater meter, whichever is applicable, for each metered account at the following rate:
\$3.0495 per one thousand (1,000) gallons.

Plus
- b. A charge of 2.05 cents (\$.0205) per one thousand (1,000) gallons of water delivered through each water meter or wastewater received through each wastewater meter, whichever is applicable, to each metered account, which amount, when collected by DU shall be remitted to the general fund of the City of Decatur.

Plus
- c. A charge of 13.50 cents (\$.1350) per one thousand (1,000) gallons of water delivered through each water meter or wastewater received through each wastewater meter, whichever is applicable, to each metered account, which amount, when collected by DU shall be remitted to the sewer revolving fund of the City of Decatur.

Plus
- d. A charge of five cents (\$.05) per one thousand (1,000) gallons of water delivered through each water meter or wastewater received through each wastewater meter, whichever is applicable, to each metered account, which amount, when collected by DU shall be credited to the sewer enhancement fund (the "Fund") within the books of DU's administrative system. Collections from this charge and any future adjustments and increases to it shall be deposited to the fund and withdrawn, spent, pledged or otherwise used for the enhancement and/or expansion of the sewer infrastructure and facilities operated by the board upon the request of either the council or the board, with the written consent by resolution of the other. The monies in the Fund shall be on deposit within the books of the administrative system of DU. Amounts appropriately authorized for disbursement from the fund shall be transferred to the city as the expenditures or debt service payments become due and payable by the city. Funds cannot be transferred to one of DU's operating systems.

(3) *Inflation adjustment.* In order to make appropriate adjustments of rates for wastewater service to accommodate for the effects of inflation:

- a. Within sixty (60) days after the end of its fiscal year, commencing with fiscal year 2015, DU shall make an evaluation of the then current revenues from all wastewater services to determine whether such rates are providing and will continue to provide:
 1. 1.50 revenue coverage for debt service obligations related to the provision of wastewater service; or
 2. The constant availability of a minimum cash reserve for wastewater service operations defined as:

three (3) month's total operating expenses, less depreciation.

- b. If by resolution adopted as of November 30 of 2015 and of each succeeding year, DU shall determine and certify to the City Council of Decatur that any of the criteria set forth in (a)(3)a. above are not met, then, unless the city council shall, within thirty (30) days after receipt of such certification, direct otherwise, by ordinance or resolution, DU may increase the access fee established in section (a)(1) above, or subsequently adjusted, and/or that part of the usage charge established by section (a)(2)i. above, or subsequently adjusted, commencing with the January billing cycle in 2016 and for each year thereafter in which such certification has been made, by the greater of, in the aggregate: Three (3) percent of the then current rates or that percentage by which the U.S. Department of Labor Bureau of Labor Statistics Consumer Price Index, All Urban Consumers (CPIU) U.S. City Average All Items ("price index"), shall have increased on July 1 for the year in which the certification is made over such price index as of July 1 of the preceding year. The certification by DU shall include restated access fees and/or usage charge rates, calculated to include the inflation increase herein.
- c. In any year, commencing in 2015 and thereafter, if the certification as provided in (a)(3)b. above is not made by DU to the City Council of Decatur, Alabama, the rates in existence on October 1 of that year shall remain in effect until such certification is made in a subsequent year or until other rate action is approved by the city council.
- (b) (1) *Tapping or hookup fee.* In addition to the base charge and usage charge established by subsection 23-89(a), in a base fee schedule which the board may include in its rules and regulations, a fee may be collected by the board, as a tapping or hookup fee and for any other service authorized by the wastewater ordinance and its implementation, including any pretreatment or treatment programs, which such charges shall be designed to defray or help defray the costs of providing any such services, and which such base fee schedule may be amended from time to time by the board.
- (2) *Impact charge.* In addition to a tapping fee and other authorized fees, to compensate the city for the use and appropriation of existing wastewater and sanitary sewer service capacity, an impact charge shall be collected from any new customer connecting to the city wastewater and sanitary sewer system which shall be payable before connection, in the following amount:

Meter Size	Effective October 1, 2012
5/8 " meter	\$724.00
1" meter	\$1,810.00
1½" meter	\$3,620.00
2" meter	\$5,792.00
3" meter	\$11,584.00
4" meter	\$18,100.00
6" meter	\$36,200.00
8" meter	\$57,920.00

10" meter	\$83,260.00
12" or larger meters	\$108,600.00

Any existing customer shall pay an impact charge before increasing the size of the meter serving a customer's property which shall be an amount equal to the difference between the impact charge as shown above for the size of the existing meter and the impact charge for the size of the meter replacing an existing meter.

(c) Net rates. The rates set out in this division are net and bills shall be rendered monthly. Any amount of a bill unpaid after the due date specified on the bill may be subject to additional charges under the city's standard policy as adopted by the municipal utilities board of the city.

(d) Rules and regulations. All wastewater service rendered by DU shall be subject to the rules and regulations for wastewater service as from time to time adopted and promulgated by the Municipal Utilities Board of Decatur.

(Code 1956, § 22-8; Ord. No. 2199, § 1, 10-1-79; Ord. No. 84-2374, § 1, 3-12-84; Ord. No. 96-3302, § 2, 3-4-96; Ord. No. 97-3403, § 1, 11-3-97; Ord. No. 09-4000, §§ 1, 2, 9-14-09; Ord. No. 10-4045, § 1, 10-4-10; Ord. No. 15-4229, § 1, 6-15-15; Ord. No. 16-4253, § 2, 3-21-16)

Sec. 23-90. - Rates, fees, charges, and surcharges for non-domestic sewer use.

(a) In addition to the base rate and charges authorized by subsection 23-89(a), a surcharge, based on discharge and pollutant concentrations, shall be charged for all non-domestic wastewater customers in accord with a non-domestic sewer use surcharge schedule. Until modified pursuant to the provisions set forth in section 23-92, below, the non-domestic sewer use surcharge schedule shall be as follows:

Parameter	Base Allowance	Surcharge Step 1		Surcharge Step 2		Surcharge Step 3	
		Conc.	Rate	Conc.	Rate	Conc.	Rate
pH	5.0—10.5	—	—	—	—	—	—
BOD ₅	250 mg/l	250—1,000 mg/l	\$0.03/lb	1,001—3,000 mg/l	\$0.06/lb	>3,000 mg/l	\$0.15/lb
COD	500 mg/l	500—2,000 mg/l	\$0.03/lb	2,001—6,000 mg/l	\$0.06/lb	>6,000 mg/l	\$0.15/lb
TSS	250 mg/l	250—700 mg/l	\$0.08/lb	701—3,000 mg/l	\$0.16/lb	>3,000 mg/l	\$0.25/lb
Oil and grease	100 mg/l	>100 mg/l	\$0.20/lb	—	—	—	—
TKN	60 mg/l	—	—	—	—	—	—

Ammonia	50 mg/l	50—100 mg/l	\$0.05/lb	101—200 mg/l	\$0.10/lb	201—400 mg/l	\$0.25/lb
Phosphorus	20 mg/l	>20 mg/l	\$0.25/lb	—	—	—	—
Sulfates	250 mg/l	250—500 mg/l	\$0.05/lb	501—800 mg/l	\$0.10/lb	>800 mg/l	\$0.25/lb
Chlorides	1000 mg/l	1,000—2,000 mg/l	\$0.01/lb	2,001—5,000 mg/l	\$0.02/lb	>5,000 mg/l	\$0.05/lb
Chlorine demand	15 mg/l	>15.0 mg/l	\$0.05/lb	—	—	—	—
Molybdenum	1 mg/l	>1.0 mg/l	\$1.00/lb	—	—	—	—
Total toxic organics	5 mg/l	—	—	—	—	—	—

Notes:

- Surcharge step shall be determined by average monthly sample concentration. Surcharge amount shall be based on the rate at the single appropriate step.
- Pounds of contaminant for surcharge calculation shall be based on the average monthly sample concentration less the base allowance concentration.
- Surcharge amount charge for BOD and COD shall be greater of the two (2); surcharge is not cumulative for these parameters.
- For maximum allowable concentrations, see section 23-135.

(b) In addition the board is authorized to establish charges and fees for non-domestic sewer use pursuant to article III-A that may include:

- (1) Fees for reimbursement of costs of setting up and operating the board's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Other fees as the board may deem necessary to carry out the requirements contained herein;
- (6) Fees for violation of pretreatment requirements.

The charges and fees in this section apply solely to the matters arising from the implementation of article III-A, the non-domestic sewer use ordinance, and are separate from and in addition to any and all other fees chargeable by the board or general manager. Any such fees shall be designed to defray or help defray the costs of providing the service for which the fee is charged, and may be set forth in a non-domestic fee schedule which the board may include in its rules and regulations, and which such non-domestic fee schedule may be amended from time to time by the board.

(c) Notwithstanding any other effective date or dates established for any portion of this article, the rates outlined above in step 3 shall take effect on March 1, 2009.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-91. - Payment of rates, fees and charges; termination of service for non-payment

Except as otherwise provided in this article, rates, fees and charges as provided for in the wastewater ordinance will be included on the regular water and sewer bill or on a separate wastewater rate, fee, surcharge, or other bill and is due and payable under the terms set forth in the bill. Any person, entity, or user who fails or refuses to remit fees assessed by the general manager shall have its service or authorization to discharge immediately suspended and is subject to termination, revocation, suspension or other action.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-92. - Procedures for establishment of rates, and charges.

Rates and charges, including surcharges, for the utilization of the wastewater collection and treatment system are to be established by the city under the following procedure. The board shall establish by resolution and may, from time to time, amend, any rate, charge, or surcharge authorized under the wastewater ordinance. Such rate, charge, or surcharge shall be set forth by an ordinance or schedule and shall become effective ninety (90) days following establishment thereof by the board. Following the establishment of any rate, charge, or surcharge by the board, the general manager shall submit such rate, charge, or surcharge schedule to the city. Prior to the effective date of any a rate, charge, or surcharge schedule, the general manager shall cause to be published a notice of availability of such rate, charge, or surcharge schedule in a local newspaper of general circulation in the city once a week for three (3) consecutive weeks commencing with the next week following the week any such rate, charge or surcharge schedule is established by the board; or, as an alternative to such publication, the general manager may mail by regular United States mail, a copy of any such a rate, charge, or surcharge schedule to the most recent address provided by users subject to the rate, charge, or surcharge schedule within three (3) weeks after such is established by the board. If the city takes no action modifying or otherwise rejecting such rate, charge, or surcharge schedule, the same shall take effect on the ninety-first day following its establishment by the board and it shall be set forth in the rules and regulations governing utility service from the board. The city may, prior to the expiration of the ninetieth day following establishment by the board of any the rate, charge, or surcharge schedule, revise, modify, or take such other action with respect thereto as the city deems appropriate. Any prior rate, charge, or surcharge schedule shall be superseded on the day upon which a subsequent rate, charge, or surcharge schedule becomes effective under these provisions, provided, however, that any rate, charge or surcharge schedule in effect as of the date of the enactment of this article, including all such rate, charge or surcharge schedules in effect upon the effective date of the ordinance from which this article derives, have by enactment of this article been determined to be authorized by the city pursuant to law and shall remain in effect until amended or superseded by the process set forth herein.

(Ord. No. 08-3954, § 1, 7-7-08)

DIVISION 5. - SEWER MAINTENANCE

Sec. 23-93. - Inflow and infiltration; defined.

For the purposes of this division, the following definitions, terms and their application shall be used and applied:

- (1) *Infiltration*: The water entering sewers and building sewer connections from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls or any other appurtenances. Infiltration does not include and is distinguished from inflow.

- (2) *Inflow*: The water discharged into sewer lines from such sources as roof leaders, cellar and yard area drains, four commercial and industrial discharges of unpolluted wastewater as defined herein below, drains from springs and or any other such sources. Inflow does not include and is distinguished from infiltration.
- (3) *Unpolluted wastewater*: Any wastewater which is substantially free of pollutants and is discharged from rain downspouts and drains, footing drains, storm and surface water drains, cooling water systems, and other such drain systems.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-94. - Permit requirements for building sewers.

Any building sewer required to make connection to the POTW as stipulated in article III of this chapter, shall first make application to the city on forms provided therefore. All building sewer connections shall be subject to inspection and certification to determine compliance with adopted rules, regulations, and/or policies governing such connection by the city for the purpose of preventing inflow and infiltration which may arise from the installation and connection of said building sewer to the POTW.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-95. - Maintenance of building sewers.

- (a) It shall be the responsibility and duty of each property owner and/or user who is presently connected to the POTW system or may become connected to the POTW system hereafter to properly maintain all lines, pipes, and equipment connected to or interacting, in any way with the POTW system so as to prevent infiltration and/or inflow into said POTW system.
- (b) The building director or his designated agent shall be permitted to enter upon the property of any user of the POTW system for the purpose of inspecting the user's building sewer and any pipes, lines, and/or equipment connected thereto.
- (c) In the instance that it is determined that a property owner connected to the POTW system has failed to maintain his/her building sewer or any pipes, lines, and/or equipment connected thereto so as to prevent infiltration and/or inflow, written notice shall be given by the posting of such notice on the front door or main entrance of the structure being served and by mailing a certified letter containing the notice to the property owner's address as may be on file in the office of the tax assessor of the county.
- (d) The property owner so notified shall have thirty (30) days from the date the notice is placed in the mail to correct any defects in the building sewer or any pipes, lines, and/or equipment connected to the POTW system. For the purpose of this section, failure of the property owner to correct such defects shall be deemed prima facie evidence of the property owner's intentional violation of the section and any other related sections of this chapter and shall bar any defenses by the property owner which relate to awareness of this section or any other related sections of this chapter or the intention to violate this section.
- (e) The board or general manager shall provide in conjunction with local financial institutions a repayment program to qualified property owners whereby the costs of correcting defects in building sewers and any pipes, lines, and/or equipment connected to the POTW system can be repaid to the local financial institution associated with the repayment program on their monthly city utilities billing statement. Qualified property owners may choose but are not required to participate in such available repayment program offered by city utilities in order to correct the aforementioned defects.
- (f) In the event the defects are not corrected by the property owner within sixty (60) days from the date the notice was mailed and the city deems it necessary to correct such defects, the total expense of such corrections, including but not limited to legal, accounting, engineering, and construction expenses, shall be charged to the property owner

and will constitute a lien against the property owner to be collected as provided by law.

- (g) The city, in lieu of correcting a property owner's defects, may, after notice provided hereinabove, suspend all service to the property owner at the address where the defects have been identified.
- (h) The correction of such defects by a party other than the property owner shall not prevent the conviction of the property owner for violations of this section and any other related sections of this chapter which have occurred prior to making such corrections and the payment of expenses for correcting defects shall be in addition to and not in lieu of any other criminal penalties imposed by law.

(Ord. No. 08-3954, § 1, 7-7-08)

Secs. 23-96—23-110. - Reserved.

ARTICLE III-A. - NON-DOMESTIC(INDUSTRIAL, COMMERCIAL, INSTITUTIONAL) USE OF PUBLIC WASTEWATER FACILITIES

DIVISION 1. - GENERALLY

Sec. 23-111. - Purpose and policy.

This article sets forth uniform requirements for the protection of the health, safety and welfare of the citizens of Decatur. This article regulates all direct and indirect contributors of non-domestic wastewater into the wastewater collection and treatment system owned by the city and operated by the municipal utilities board of the city (the board); enables the board to ensure compliance with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Parts 401 et seq., including amendments) and includes, pursuant to those authorities and the laws of the state, the establishment of local limits and controls to address impacts to the wastewater collection and treatment system, provide for its safe and effective operation, and prevent pass through of pollutants or interference with the treatment system which could potentially impact human health, safety, welfare, and the environment.

This article authorizes the board and general manager to regulate persons or owners who are direct and indirect contributors of non-domestic wastewater to the board's wastewater system, referred to as "contributors" or "users" of the wastewater collection and treatment system. Regulation is provided through the written authorization of certain non-domestic users through permits, contracts, or other appropriate mechanisms, and through enforcement of and compliance with general and specific requirements for users, authorizes monitoring and enforcement activities, requires user reporting, sampling and analysis, establishes administrative review procedures, assumes that existing customer's lawful capacity will not be preempted except as provided in this article, provides for maximum strength and load of contributions, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to all users both within and outside the city limits who discharge or contribute to the board's wastewater collection and treatment system. Any user that discharges wastewater into the board's wastewater system, shall comply with the terms and conditions established in this article, as well as any permits, orders or other conditions issued hereunder. Except as otherwise provided herein, the general manager of the board or his designees shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the general manager may be delegated by the general manager to other board personnel.

Except as specifically provided in this article, this article is not applicable to discharges of wastewater comprised solely of human excrement and/or household gray water.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-112. - Objectives.

- (a) The objectives of article III, section 23-57, are incorporated by reference.
- (b) To provide wastewater collection and treatment services to many industrial users within the city and outside city limits to the extent that such services can be provided while also meeting increasingly stringent environmental and treatment requirements, providing for future residential and economic growth.
- (c) To provide for a mechanism for regulating, controlling, and enforcing wastewater discharge limitations and conditions for the protection of the POTW, health, safety and the environment.
- (d) To provide for a mechanism to fund wastewater collection and treatment services, to ensure resources are available to adequately treat non-domestic wastewater, and provide incentives for reduction of discharge of high-strength wastewaters.

(Ord. No. 08-3954, § 1, 7-7-08)

Secs. 23-113—23-120. - Reserved.

DIVISION 2. - DISCHARGES

Sec. 23-121. - General discharge prohibitions.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the board's wastewater collection and/or treatment facilities. These general prohibitions apply to all such users of the board's wastewater facilities whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) A user may not discharge to the board's wastewater collection and treatment facilities any of the following:
 - (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the board's wastewater facilities or to the operation of the board's wastewater treatment facilities. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited material include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.
 - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: garbage with particles greater than one-half (½) inch in any dimension, grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
 - (3) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with the other pollutants, to injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, health, safety or the environment, create a toxic effect in the board's wastewater treatment facilities or receiving waters, or to exceed the limitation set forth in a categorical pretreatment standard or requirement of this article, the state water pollution control act, or the federal pretreatment regulations.

- (4) Toxic pollutants including pollutants identified pursuant to section 307(a) of the Act, hazardous constituents or w RCRA, hazardous substances under CERCLA, except as specifically authorized under this article, permit or other a issued by the general manager or board.
 - (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (6) Any substances which may cause the board's wastewater treatment facilities' effluent or any other product of the board's wastewater treatment facilities such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the board's wastewater treatment facilities cause the board's wastewater treatment facilities to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge used or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
 - (7) Any substance which will cause or has the reasonable potential to cause or contribute to an exceedence of any effluent limitation, exceedence or excursion of any water quality criteria or standard, or non-compliance with any condition set forth in the board's NPDES and/or state disposal system permit, receiving water quality standards, or any applicable federal, state, or local law.
 - (8) Any pollutants released at a flow rate and/or pollutant concentration which alone or in conjunction with other discharges causes interference to the board's wastewater treatment facilities.
 - (9) Any wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal, state, and local law and regulations and as specifically authorized by the general manager.
 - (10) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (11) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the general manager.
 - (12) Medical wastes or wastewater, except as specifically authorized by the general manager.
 - (13) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity text.
 - (14) Wastes prohibited by this section shall be processed or stored in such a manner that these wastes could not be discharged to the board's wastewater system. All floor drains located in process or materials storage areas must discharge to the user's pretreatment facility before connecting with the board's wastewater system.
 - (15) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
 - (16) Any wastewater having a temperature which will inhibit biological activity in the board's wastewater treatment plant resulting in interference, but in no case wastewater with a temperature and/or in such quantities that the temperature at the POTW exceeds 40°C (104°F).
- (c) In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities, or flow during normal operation, or exceed the maximum concentration or qualities of pollutants established in this article or any permit or authorization issued by the board or general manager. Normal operation is defined as the operational characteristics as described in any permit or authorization issued by the board or general manager, or in the absence of a permit or authorization, operational characteristics as submitted by the user in any application, industrial waste survey, or other documentation provided to the board or general manager.
- (d) When the general manager determines that a user(s) is contributing to the board's wastewater treatment facilities,

any of the above enumerated substances in such amounts as to interfere with the operation of the board's wastewater treatment facilities, the general manager may:

- (1) Advise the user(s) of the impact of the contribution on the board's wastewater treatment facilities;
- (2) Develop effluent limitation(s) for such user to correct the interference with the board's wastewater treatment facilities.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-122. - Federal pretreatment regulations.

All discharges must comply with applicable federal pretreatment regulations, which are incorporated as limitations and prohibitions in this article as if fully set forth herein. Upon the promulgation of new, revised, or modified categorical pretreatment standards for a particular industrial sub-category, the federal standard, if more stringent than limitations imposed under this article or sources in that sub-category for a particular pollutant, shall be deemed the applicable limitation or prohibition under this division upon the effective date of such federal categorical pretreatment standard. Nothing in this section shall affect the authority of the board and general manager to establish more stringent limits for any user, or reject wastewater from any user, as otherwise provided in this article.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-123. - Modification of federal pretreatment regulations.

- (a) Where the board's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the board may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) percent of samples taken when measured according to the procedures set forth in section 403.7(b)(2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The board may then modify pollutant discharge limits from those established in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.
- (b) The board or general manager may establish local limits in accordance with 40 C.F.R., Part 403.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-124. - Pretreatment facilities.

Users shall provide necessary wastewater treatment as required to comply with this article, and shall achieve compliance with all federal pretreatment regulations, categorical pretreatment standards, local limits, and any other applicable requirements within the time limitations specified by the general manager. Any facilities required to pretreat wastewater in accordance with this article, federal pretreatment regulations, categorical pretreatment standards, local limits, and any other applicable requirement shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the general manager for review upon request.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing amounts of grease, flammable substance, sand, or other harmful substances. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed by the owner or user at its expense.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-125. - Specific pollutant limits.

Except as herein otherwise provided, no person shall discharge or cause to be discharged any of the following waters or wastes into any sanitary sewer system of the municipal utilities board of the city:

- (1) Any liquid or vapor in such quantities that will inhibit biological activity in the board's wastewater treatment plant resulting in interference, or any wastewater in such quantities such that the temperature at the POTW exceeds 40°C (104°F).
- (2) Any wastewater or waste which may contain more than one hundred (100) parts per million by weight of fat, oil or grease or other substance that will solidify or become viscous at temperatures between thirty-two (32) degrees Celsius, and ninety (90) degrees Fahrenheit, except as specifically authorized by the general manager. Such authorization may be provided only upon:
 - a. Receipt of adequate proof of financial ability to satisfy all fees as set forth in division 3 and established by the general manager;
 - b. Agreement to reimburse the board for any and all additional costs of treatment incurred by the board for treating such wastewaters; and
 - c. Upon the establishment of limitations and conditions by the general manager, including but not limited to flow, rate, concentration, timing, and duration of discharge.
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (4) Any wastewater or wastes that contain more than ten parts per million by weight of hydrogen sulfide, sulfur dioxide, and/or nitrous oxide.
- (5) Any garbage that has not been properly shredded.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers and other interference with the proper operation of the sewer works.
- (7) Any wastewater or wastes having a pH lower than 5.0 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to the board's structures, equipment and personnel.
- (8) Any wastewater or wastes containing a toxic or poisonous substance(s) or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant, and without proper pretreatment and written approval of the general manager.
- (9) Any wastewater or wastes containing suspended solids in concentration greater than two hundred fifty (250) mg/l and are of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as specifically authorized by the general manager. Such authorization may be provided only upon:
 - a. Receipt of adequate proof of financial ability to satisfy all fees as set forth in division 3;
 - b. Agreement to reimburse the board for any and all additional costs of treatment incurred by the board for treating such wastewaters; and
 - c. Upon the establishment of limitations and conditions by the general manager, including but not limited to flow, rate, concentration, timing, and duration of discharge.
- (10) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (11) Any wastewater or wastes containing BOD in concentration greater than two hundred fifty (250) mg/l except as specifically authorized by the general manager by permit, authorization, or contract. Such authorization may

be provided only upon

- a. Receipt of adequate proof of financial ability to satisfy all fees as set forth in division 3;
 - b. Agreement to reimburse the board for any and all additional costs of treatment incurred by the board for treating such wastewaters; and
 - c. Upon the establishment of limitations and conditions by the general manager, including but not limited to flow, rate, concentration, timing, and duration of discharge. Any authorization allowing a user to discharge BOD in concentrations greater than two hundred fifty (250) mg/l shall include a maximum BOD loading value in pounds per day not to be exceeded by the user. No user shall discharge BOD in amounts which alone or in conjunction with other discharges exceeds the headworks capacity of the board's wastewater treatment system.
- (12) Any wastewater or wastes having an objectionable color which is not removable in the existing sewage treatment plant processes.
 - (13) Any long half-life (over one hundred (100) days) of toxic radioactive isotopes, without special permit.
 - (14) Any wastewater or waste containing phenols in such concentrations alone or in conjunction with other discharges so as to adversely affect the operation of the board's wastewater treatment plant, or cause or contribute to interference, pass through, or upset. Quantities of such substances will be determined by the general manager on a case by case basis.
 - (15) Any wastewater subject to a categorical pretreatment standard which is in excess of state or federal effluent guidelines.
 - (16) Any fats or greases including but not limited to petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (17) Any material identified as hazardous waste or a hazardous constituent according to regulations promulgated pursuant to RCRA, including 40 CFR Part 261 et seq. or meeting hazardous waste characteristics, except as may be specifically authorized by the board or general manager.
 - (18) All pollutants listed under section 23-121, general discharge prohibitions, are included in their entirety as part of this section.
 - (19) Any wastewater or waste which does not comply with all requirements set forth in 40 CFR, Parts 400 through 479.
 - (20) Any wastewater or waste which does not comply with the provisions of the state water pollution control act, the clean water act, or any permit issued pursuant to such authority.
 - (21) Pollutants which result in the presence of toxic gases, vapors, or fumes within the board's wastewater collection and treatment system in a quantity that may cause acute worker health and safety problems.
 - (22) Any trucked or hauled pollutants, except at discharge points designated by the board or general manager.
 - (23) Any waters or wastes containing in excess of the limits established below:

	30-Day Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Aluminum	25.0	50.0
Arsenic	0.1	0.5
Cadmium	0.1	0.2
Cobalt	0.8	1.6

Copper	1.0	2.0
Chromium (hexavalent)	0.1	0.2
Chromium (total)	2.5	5.0
Cyanide	0.5	1.0
Iron	10.0	20.0
Lead	0.1	0.2
Mercury	0.01	0.1
Molybdenum		1.0
Nickel	0.5	1.0
Silver	0.25	0.5
Tin	5.0	10.0
Zinc	1.8	3.6
Total metals (except aluminum and iron)	5.0	10.5

The limits fixed herein may be used as a guide in design and plant control, but may be altered by the general manager as necessary to meet the purposes set forth in division 1, or as otherwise required or authorized by state or federal law, or in the event of a cumulative overload on a particular drainage basin or wastewater treatment plant. The general manager may also establish limits for other pollutants as necessary to meet the purposes set forth in division 1, or as otherwise required or authorized by state or federal law, or in the event of a cumulative overload on a particular drainage basin or wastewater treatment plant.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-126. - State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-127. - Board's right of revision.

The board is granted authority to establish by resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in section 23-112 of this article.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-128. - Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, SID permit, permit or authorization issued by the board or general manager, this article, or in any other pollutant-specific limitation developed by the board or state.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-129. - Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. An accidental discharge is any discharge of wastewater containing pollutants to the board's wastewater collection and treatment system which is not explicitly authorized by permit, contract, or other written authorization. An accidental discharge constitutes a violation of this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the board for review, and shall be approved by the board before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to:

- (1) *Immediate notice.* User should immediately telephone and notify the board of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (2) *Written notice.* Within five (5) days following an accidental discharge; the user shall submit to the general manager a detailed written report describing the cause 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 board's wastewater treatment facilities, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (3) *Notice to employees.* A notice shall be permanently posted at all times on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-130. - Regulation of waste received from other jurisdictions.

- (a) If another municipality, county, or other governmental entity, or an existing or new user located within the jurisdiction of another municipality, requests permission to contribute wastewater to the board's wastewater system, the city may authorize the discharge of such wastewater in its discretion after entering into an intergovernmental contract with the contributing governmental entity for such wastewater contribution. Prior to entering into an agreement required by this section, the board shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater to be discharged to the wastewater plant by the contributor;
 - (2) An inventory of all users located within the contributing municipality that are discharging to the wastewater plant; and
 - (3) Such other information as the general manager may deem necessary.
- (b) An intergovernmental contract shall contain one (1) or more of the following conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in appropriate sections of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis or more frequently as requested;
 - (3) A requirement for new significant industrial users discharging into sewers of a contributing municipality to obtain a wastewater discharge permit from the board or general manager;
 - (4) In the event the governmental entity has in place an industrial pretreatment program in accordance with the Act and approved by ADEM, a provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the governmental entity; which of these activities will be conducted by the board; and which of these activities will be conducted jointly by the governmental entity and the board;
 - (5) A requirement for the contributing municipality to provide the board with access to all information that the contributing municipality obtains as part of its pretreatment activities necessary to achieve the purposes set forth in section 23-111;
 - (6) Limits on the nature, quality, and volume of the contributing governmental entity or user's wastewater at the point where it discharges to the wastewater system or treatment plant;
 - (7) Requirements for monitoring the governmental entity or user's discharge;
 - (8) A provision ensuring the board access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city; and
 - (9) A provision specifying remedies available for breach of the terms of the intergovernmental contract.
- (c) Primary enforcement authority for violations of pretreatment permits pursuant to this section lie with the jurisdiction having authority over the industrial user, provided, however, that should such jurisdictional entity fail to take appropriate enforcement action in a timely manner, that the board shall be authorized to take any action as appropriate to address a violation of this article, including but limited to all actions authorized in division 4.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-131. - Sand and oil/grease interceptors.

(a) *Requirement for:*

- (1) Fats, oils and grease (FOG) interceptors are required for all food service facilities (FSFs) which shall include, but is not limited to, any restaurant, eatery, food caterer, cafeteria, grocery store, service station, convenience store, manufacturing facility, sandwich shop, or institution which cuts, cooks, bakes, prepares, serves, or makes available for consumption any food products by any prescribed method, or which disposes of food related wastes. FOG interceptors shall be designed and sized as appropriate for the FSF as specified in subsection (2) below. Additionally, any other user who generates a wastewater which contains greater than the quantity of FOG regulated under section 23-125, and provided that the excess FOG is floatable and can be effectively removed in an interceptor, then said user will be required to install an interceptor.

- (2) Grit, oil and sand interceptors will be required for all commercial car washes, equipment wash bays, automotive : stations, mechanical equipment service or repairs stations, and similar garages and facilities that would discharge wastewater as deemed necessary by the general manager and shall meet the requirements of this wastewater or provisions of the duly adopted Code of Decatur, Alabama, chapter 7, article IV, Code sections 7-71 to 7-120.
 - (3) The requirements of this ordinance section shall not apply to private living quarters or dwelling units.
- (b) *Design criteria.*
- (1) *For restaurants and other food service facilities.* All FSFs shall be required to install, at a minimum, a 1,000-gallon outdoor gravity FOG interceptor, unless granted a variance by the general manager for the installation of an alternative grease removal system as described in subsection (b)(2).
 - (2) *Alternative grease removal system.* In certain cases, the installation of the required size outdoor FOG interceptor may be impractical due to limited space or other factors. A FSF may request a variance by submitting a proposed alternative grease removal system. The general manager, upon request, may review an alternative grease removal system as proposed by the FSF for attaining FOG protection for the sewer system. For an alternative grease removal system to be considered, the FSF must first demonstrate that the proposed alternative system, its overall design, including size and location, will satisfy and result in compliance with the intent and discharge requirements of the wastewater ordinance. The design plans must be signed and sealed by an Alabama licensed professional engineer with experience in interceptor design to effectively remove grit, oil, sand and/or FOG as required. The proposed alternative grease removal system must be approved by the general manager. If approved, the design professional must certify that the site plan and the alternative grease removal system design meets the intent and discharge requirements of this wastewater ordinance and shall meet the provisions of the duly adopted Code of Decatur, Alabama, chapter 7, article IV, Code sections 7-71 to 7-120.
 - (3) *For facilities other than eating establishments.* All grit, oil and sand interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten (10) minutes nor more than thirty (30) minutes retention time at the peak eight (8) hour flow rate. Flow-through velocities shall not exceed one (1) foot per second at the peak eight (8) hour flow rate.

All grit, oil and sand interceptors shall be of a sufficient size to handle the specified loading for the intended use and cleaned and inspected regularly and shall meet all discharge requirements as specified in the wastewater ordinance and the provisions of the duly adopted Code of Decatur, Alabama, chapter 7, article IV, Code sections 7-71 to 7-120 where such parameters have not been otherwise set forth herein.
- (c) *Maintenance.*
- (1) All grit, oil, sand and FOG interceptors shall be maintained by the user/FSF at their expense, in continuously efficient operation at all times.
 - (2) In the maintaining of these interceptors, the user/FSF shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates, and means of disposal which are subject to review by the general manager. The frequency of removal shall be such as to ensure that no overflow of grit, oil, sand and/or FOG enters the wastewater system.
- (d) *Proper disposal of collected materials.* Any removal and hauling of the collected materials not performed by the user/FSF employees must be performed by currently licensed waste disposal firms. Under no circumstances shall the collected materials be returned to the wastewater system.

(Ord. No. 08-3954, § 1, 7-7-08; Ord. No. 13-4156, 7-15-13)

Sec. 23-133. - Discharges from septic tank pump trucks.

Persons owning septic tank pump trucks, or other liquid transport trucks, and desiring to discharge contents of trucks shall comply with all rules and regulations of the board in addition to the requirements of this article. The board and general manager are authorized to change and/or modify requirements pertaining to septic tank pump truck discharges as deemed necessary.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-134. - Development of specific, local, or other limits.

The board and general manager are authorized to develop and implement such specific, local, or other limits as are necessary to protect the board's wastewater collection and treatment system or as provided in the federal pretreatment regulations.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135. - Special charges, contracts, and bonds.

The board acting through its general manager is hereby authorized to enter into contracts for users which represent an extraordinary risk to the board's wastewater collection and treatment system or involve additional treatment costs. Such contracts shall take into account the following considerations:

- (1) All charges for collection, receiving, transporting and treating industrial waste and industrial wastewaters will be established by the general manager. The amount charged will include all expenses incurred by the board in handling and treating such waste and will include the costs of treatment.
- (2) The general manager may prohibit any proposed discharge, or terminate, revoke, or suspend sewer service to any user that discharges wastewater which exceeds the base allowance concentration as set forth below where such user has not entered into an appropriate contract with the board or established sufficient bond as set forth in this section.

The base allowance concentrations shall be established as follows:

Parameter	Base Allowance Concentration	Maximum Allowable Concentration
pH	5.0—9.0	10.5
BOD 5	250 mg/l	2000 mg/l ¹
COD	500 mg/l	
TSS	250 mg/l	
Oil and grease	100 mg/l	
TKN, as N	60 mg/l	420 mg/l
Ammonia, as N	50 mg/l	400 mg/l
Phosphorus, total	20 mg/l	

Sulfates	250 mg/l	5,000 mg/l
Chlorides	1000 mg/l	20,000 mg/l
Chlorine demand	15.0 mg/l	200 mg/l
Total toxic organics	5 mg/l	5 mg/l

¹ No user shall discharge BOD or COD in amounts which alone or in conjunction with other discharges exceeds the design capacity of the board's wastewater treatment system.

- (3) The board and general manager are authorized to establish a non-domestic use fee schedule which shall be submitted to the city for review and approval pursuant to division 3. The board and general manager shall, from time to time and as appropriate to reflect any changes in the costs of administering the wastewater collection and treatment program, revise such schedule.
- (4) All wastes or wastewaters discharged into the system which exceed the base allowance concentrations above shall pay additional charges at the rate provided in the non-domestic sewer use fee schedule or such other fee as established pursuant to division 3. The board will consider any discharges that exceed the maximum allowable limits above as significant non-compliance subject to enforcement. Where categorical pretreatment standards, permit limits, or provisions of federal or state law provide for limitations below the concentrations above for specific users, dischargers, contributors or categories, the lower limitations or concentrations will apply and where appropriate be incorporated into a permit, contract, or authorization issued to the user.
- (5) Where the general manager determines that a contract is required pursuant to section 23-135, such contract shall become a part of the authorization of the discharge along with any permit or other authorization. Such contract shall contain terms and conditions as appropriate to meet the purposes set forth in division 1, including but not limited to wastewater quality, quantity, flow rate, and timing, and provide for the reimbursement of fees and other costs as identified by this section.
- (6) Where a user discharges or proposes to discharge wastewater or waste containing any one (1) or combinations of materials prohibited by division 2 or above limits established in division 2, the general manager may determine that a contract is required to authorize the discharge. Such contract shall contain terms and conditions as appropriate to meet the purposes set forth in section 23-111, including but not limited to wastewater quality, quantity, flow rate, and timing, and provide for the reimbursement of fees and other costs as identified by this section.
- (7) All industrial wastes or industrial wastewaters discharged into the system under contract agreement with the board where waste parameters do not exceed the base allowance concentrations shall be handled by the board for the rates adopted and published by the city.
- (8) The board is hereby authorized to enter into special contracts with industrial customers for the collection, treatment and disposal of industrial or sanitary sewage or waste and to enter into contracts for the construction and use of special treatment plants under the terms and conditions for the use thereof, and the provisions of this section may be altered, changed, amended or extended under the terms and conditions of such contracts.
- (9) Upon request by the general manager, any user discharging or proposing to discharge wastewater or waste to the board's wastewater collection and treatment system exceeding the base allowance concentration for any

parameter shall provide sufficient financial information so as to demonstrate financial assurance of the fiscal resources demonstrating ability to pay any fees or charges established by this section. If no financial information is submitted, the general manager shall suspend, revoke or terminate sewer service, or shall require a bond as outlined below. Based upon financial information submitted, the general manager may require a bond for the purpose of ensuring available funds to reimburse the board for the charges and fees set forth in this section.

- (10) If a bond is required pursuant to the foregoing subsection (9), the user shall furnish to the city clerk a performance bond or security bond executed by a surety licensed to do business in the state in an amount totaling at least twenty-five thousand dollars (\$25,000.00), or such other sum as may be specified by the general manager. The purpose of the performance bond is to ensure performance of any requirements of this article regarding fees, charges, or other reimbursement to the board for costs of treating the user's wastewater or waste discharged to the board's wastewater collection and treatment system.
- a. The bond must be established by the user to provide that should the user not fulfill any obligation for charges, fees or other reimbursement to the board imposed by this section then the surety will make whole any monetary losses or damages incurred by the board, up to the monetary limits of the bond or other security.
 - b. If the city draws on a performance bond or cash deposit as a result of user's failure to timely discharge its obligations, then the user shall be required to replenish the performance bond or security to the level required within thirty (30) days of the draw down.
 - c. The performance bond or security bond shall be in force at all times, unless relief is granted or a reduction schedule is detailed in a separate agreement executed between the user and the board.
 - d. In lieu of a performance bond or security bond, the board may accept alternative forms of security, including a written guarantee of the user pledging the full faith and credit of the user or its ultimate parent, if applicable.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.1. - Monitoring and fee calculation.

- (a) All industrial waste, before being discharged into the sewer system of the board, shall be either metered or, where no meter has been installed or is available, volume shall be determined based upon incoming water service to the user's facility. Where a meter is required by the board or general manager, a meter shall be installed and cost of the meter shall be borne by the user. Where a meter is required by the board or general manager, no wastewater shall be discharged until so metered. Where a meter is not required, discharge of wastewater constitutes the user's acceptance of incoming water service volume for the basis of billing, monitoring, and fee calculation. Where required by the board or general manager, appropriate devices or access areas shall be installed and maintained for the purpose of sampling such waste and the board shall have free and continued access over the property of the user for the purpose of sampling the waste.
- (b) The board may take such samples, data, or information regarding a discharge at any time or any place as determined by the board or general manager.
- (c) Fees, charges, or other assessments will be based upon the provisions of this article and the general manager's determination regarding data or other information regarding the discharge, including quality, flow rate and volume.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23.135.2 - Reservation of authority to terminate, revoke, or suspend.

Notwithstanding any other provision of this article, the board and general manager are hereby granted the authority to terminate, revoke, or suspend sewer service upon twenty-four (24) hours' notice for any discharge failing to comply with this article or an authorization or permit issued hereunder; noncompliance with federal, state or local law; exceedence of any limitation established in this article or an authorization or permit issued hereunder; failure to comply with a condition established by or pursuant to this article or an authorization or permit issued hereunder, or a condition of a contract as provided in this section; or upon a determination by the board or general manager that the wastewater system lacks adequate capacity or treatment to handle the discharge, provided, however, in situations in which there is an imminent and substantial threat to the board's wastewater collection and treatment system, human health, safety, property, or the environment, the board and general manager are granted the authority to terminate, revoke, or suspend sewer service and take such other lawful action without providing twenty-four hours' notice. Such termination, revocation, or suspension shall not prejudice any claim of the board for any sums due hereunder or pursuant to a contract. Notice of such election shall be given by certified mail.

(Ord. No. 08-3954, § 1, 7-7-08)

Secs. 23-135.3—23-135.10. - Reserved.

DIVISION 3. - PRETREATMENT PROCEDURES (PERMITTING, COMPLIANCE TRACKING, AND ENFORCEMENT)

Sec. 23-135.11. - General.

It shall be unlawful for any user, discharger or contributor subject to this article to discharge to the board's wastewater collection or treatment system without a wastewater discharge permit, authorization, and/or contract as provided herein, except as authorized by the city in accordance with the provisions of this article.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.12. - Pretreatment and user program.

The board's pretreatment program consists of four (4) major elements:

- (1) The identification and categorization of dischargers into user groupings, below, and determination of pretreatment requirements;
- (2) The issuance of permits or other authorization for discharge, including contracts as specified in this article;
- (3) The tracking of dischargers to ensure compliance; and
- (4) The enforcement of this article.

The purpose of this division 3 is to describe the procedures for meeting the requirements of the four (4) areas listed above. The intent of these procedures is to establish the administrative mechanism to allow the efficient and effective implementation of the board's non-domestic sewer use ordinance to meet the purposes set forth in section 23-111.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.13. - Identification and categorization of users and determinations of requirements.

- (a) *Identification of users and dischargers.* All dischargers of non-domestic waste are subject to this article and must be reviewed to evaluate applicability of pertinent requirements.
 - (1) Existing users, dischargers, or contributors. The primary tool for identifying existing dischargers who may be subject to the board's pretreatment requirements is a preliminary screening questionnaire (industrial

wastewater survey) and accompanying letter of transmittal. All existing dischargers will be required to respond to the industrial wastewater survey and provide the information specified. The industrial wastewater survey questionnaire and letter will be sent to any known or suspected discharger for which the board and general manager do not have sufficient information on file to implement the provisions of this article. The industrial wastewater survey differs for each category of discharger set forth below. The function of the questionnaire is to obtain sufficient information to determine what further action will be required to categorize the discharger and establish appropriate authorization pursuant to the provisions of this article.

Should there be no response from the recipient to the questionnaire, a second questionnaire will be sent with a letter of transmittal detailing the eventual consequence of non-response. Should the second questionnaire elicit no response, the name of the discharger will be referred for follow-up under enforcement procedures.

- (2) New users, dischargers, or contributors. New dischargers making application to discharge to the wastewater collection and treatment system of the board shall complete the industrial wastewater survey and permit application. The function of the questionnaire is to obtain sufficient information for the board to determine appropriate authorization pursuant to the provisions of this non-domestic sewer use ordinance.
- (3) The industrial wastewater survey may include any information as provided in Ala. Admin. Code r. 335-6-5-.13, information characterizing such waste or wastewaters that is available to or has been provided to the user or proposed user, and any such other information as is necessary to develop the appropriate permit or other authorization and necessary conditions and limitations at the discretion of the general manager. Where any user or proposed user fails to provide complete, accurate and truthful information to the general manager, board, or its representatives or agents, sewer service shall be denied, and/or any permit, contract or other authorization for that user shall be terminated, suspended, or revoked.

- (b) *Categorization.* Upon receipt of the required information, each user will be placed into one of the following categories for program management. Categorization will be made in as fair and equitable manner as possible. General guidelines for identifying category placement are given below.

Category 1: Those users which have no discharge other than normal sanitary wastewater, or whose non-sanitary discharge has no significant effect on the board's wastewater collection and treatment system, shall be placed in this category. The businesses so designated will be maintained in the board's inventory in case a change in status is required in the future. For those businesses designated category 1, no permit, authorization, or contractual arrangement between the board and user will be required, except by designation by the general manager as provided below.

Category 2I: Users with wastewater discharges that do not fall under state or federal industrial pretreatment guidelines or the provisions of 40 C.F.R. Part 401 et seq.; and therefore, are not required to obtain a permit from said agencies. However, businesses, with discharges that contain some constituent of concern to the board, or whose discharge may have the potential to pass through or interfere with the operation and maintenance of the board's wastewater collection and treatment system will be subject to control by the board and general manager. Following receipt of complete information as required by this article, the general manager will make a determination regarding the issuance of a permit or other authorization delineating specific requirements for the discharge. Where appropriate, a permit or other authorization will be issued by the board through the general manager for users designated category 2I. In addition, the user will be subject to the board's compliance tracking program.

Category 2FS: Users that prepare and/or serve food commercially and are not required to obtain a state indirect discharge (SID) permit are placed in category 2FS. A business so categorized will be subject to the board's compliance tracking program and monitored for oil/grease and any other constituents that, in the general manager's judgment, may pass through or interfere with the operation and maintenance of the board's wastewater collection and treatment system. Following receipt of

complete information as required by this article, the general manager will make a determination regarding the issuance of a permit or other authorization delineating specific requirements for the user. Where appropriate, a permit or other authorization will be issued by the board through the general manager for dischargers designated category 2FS.

Category 3: Users that are subject to state and federal industrial pretreatment rules and regulations and are required to obtain a SID permit will be placed in this category. Generally, in accordance with state requirements, a business discharging a wastewater with one or more of the following characteristics will be placed in category 3:

- a. The discharge of more than 25,000 GPD of process wastewater;
- b. The discharge in significant quantities of one or more of the EPA designated categories of wastes or wastewaters set forth in the categorical pretreatment standards;
- c. The discharge in significant quantities of a prohibited or potentially prohibited waste or wastewater.

Users in this category must obtain permit authorization under division 3, subsection 23-135.14. of this article and comply with this article, any federal, state or local requirements including permits issued pursuant to those authorities, and must comply with all requirements of 40 C.F.R. Part 401 et seq. users in this category will be subject to the board's compliance tracking program. Following receipt of complete information as required by this article, the general manager will make a determination regarding the issuance of a permit or other authorization delineating specific requirements for each discharger in this category. Where appropriate, a permit or other authorization will be issued by the board through the general manager for users designated category 3. Where necessary to achieve the purposes of this article, category 3 users may be required to enter into a contract for discharge.

Category 3A: Users with high strength wastewater, or that treat or recover hazardous or non-hazardous industrial metal-bearing waste, oily waste, and organic-bearing waste from off-site, or any user with high strength wastewater.

- a. EPA has determined that users that treat or recover hazardous or non-hazardous industrial metal-bearing waste, oily waste, and organic-bearing waste from off-site discharge wastewater which may contain very high pollutant concentrations and are unusually difficult to treat and should be recognized as a separate category. EPA has established the combined waste treatment (CWT) point source category for such users and determined that few facilities in the CWT industry achieve optimum pollutant removals.
- b. The board has determined that the wastewater collection and treatment system may not be able to accommodate all users discharging high strength wastewater or CWT wastewater or all volumes of such discharges.
- c. Authorization of discharges for this category requires additional analysis and may require additional conditions to ensure that such users do not over utilize or otherwise adversely affect the board's collection and treatment system capacity. Category 3A users are required to provide information regarding waste streams, wastewater quality, wastewater quantity, source of wastewater, treatment facilities and removal and treatment efficiencies, and other information necessary to properly assess the potential discharge and affect on the board's wastewater collection and treatment system and establish appropriate conditions or limitations for a permit or other authorization. Any user which meets the definition of CWT at 40 C.F.R. Part 437, treats or recovers any hazardous or non-hazardous industrial metal-bearing waste, oily waste, and organic-bearing waste from off-site, or any user that discharges or proposes to discharge high strength wastewater is subject to the requirements for category 3 and 3A.
- d. High strength wastewater is defined as:

Parameter	Concentration or Load Constituting High Strength Wastewater ²
pH	Greater than 9.0
BOD ₅	Greater than 1000 mg/l or 4,000 lb/day
COD	Greater than 1,000 mg/l or 8,000 lb/day
TSS	Greater than 3,000 mg/l
Oil and grease	Greater than 100 mg/l
TKN	Greater than 60 mg/l
Ammonia	Greater than 200 mg/l
Phosphorus	Greater than 20 mg/l
Sulfates	Greater than 800 mg/l
Chlorides	Greater than 1,000 mg/l
Chlorine demand	Greater than 15 mg/l
Molybdenum	Greater than 1 mg/l
Total toxic organics	Greater than 5 mg/l

² Daily maximum values.

Any user with at least one discharge exceeding one or more of the concentrations set forth above, or proposing to discharge wastewater exceeding one or more of the concentrations set forth above, is deemed a user with high strength wastewater and subject to category 3 and 3A.

- e. Following receipt of complete information as required by this article, the general manager will make a determination regarding the issuance of a permit or other authorization delineating specific requirements for each user in this category. Where appropriate, a permit or other authorization will be issued by the board through the general manager for users designated category 3 and 3A.
- f. The issuance of a permit, authorization and/or contract to users designated category 3A is at the sole discretion of the general manager. A permit, authorization, and/or contract issued to a category 3A user is revocable at any time for cause. Cause includes but is not limited to non-compliance, lack of plant capacity existing or contemplated in the future, failure to remit surcharges or fees, or such other cause as is determined by the general manager.

Category 4: All other discharges. users who are determined to not meet the criteria of any of the other categories are deemed category 4. Following receipt of complete information as required by this article, the general manager will make a determination regarding the issuance of a permit or other authorization delineating specific requirements for each user in this category. Where appropriate, a permit will be issued by the board through the general manager for users designated category 4.

Designation by the general manager: The general manager may determine on a case-by-case that any user requires permit or other authorization pursuant to this article based upon the quantity, quality, rate, or characteristics of an existing or proposed discharge to the board's wastewater collection and treatment system. Upon the general manager's designation, such user will be required to apply for and obtain permit authorization to discharge. Failure to make application and obtain authorization may result in suspension, termination, or revocation of sewer service.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23.135.14. - Permits, authorizations and contracts.

The basis for regulating discharges from category 3, 3A, and where necessary and appropriate category 2I, 2FS and 4 to the board's wastewater collection and treatment system will be through permits, authorization letters, or contracts between the user and the board. SID permits will be issued and enforced by ADEM but are not directly controlled by the board, however, the general manager may incorporate by reference SID permits or their limits or conditions into a permit, authorization, or contract. The general manager may establish local limits which shall be incorporated into SID permits for users in accordance with the procedures established by ADEM and EPA pursuant to the federal pretreatment regulations.

Where the board or general manager determines that a contract is necessary or appropriate to meet the purposes of this article, the board will execute contracts with users. These contracts will specifically identify all pretreatment requirements to be enforced by the board that the user must meet and will provide the board and general manager with authority to require the user to comply with all provisions of this article including all federal, state and other provisions incorporated by reference. Users may be subject to other state and federal or local pretreatment or other requirements not included in the board's contract.

Should a user be required to construct a pretreatment facility to meet the purposes of this article, such a requirement and a schedule for completion of such facility will be included as an enforceable portion of the user's permit, authorization, or contract. Failure to meet such requirement and schedule is grounds for termination of a contract, injunction, damages, or such other remedies as provided by law, and, where it may constitute a violation of this article, enforcement, injunction, or other relief.

(1) *Application.*

- a. *Application information.* Users required to obtain authorization for a discharge to the board's wastewater collection and treatment system shall complete and file with the board all appropriate information. Proposed new users must file an application in the form prescribed by the board, an Industrial wastewater Survey, and such other information as is required by the general manager. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the board's wastewater collection and treatment facilities. In support of the application, the user shall submit, in units and terms appropriate for evaluation, all information supplied to the state relating to the wastewater or waste, as well as all information characterizing such waste or wastewaters that is available to or has been provided to the user or proposed user. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 1. Name, address, and location.
 2. NAIC and SIC number according to the North American Industry Classification system and Standard Industrial Classification Manual, Bureau of Budget, 1972, as amended.
 3. Except as otherwise approved by the general manager, information and data regarding all

wastewater constituents and their range of concentration in wastewater, and other characteristics of wastewater including but not limited to those in division 2 of this article. All wastewater constituents and characteristics reported shall be the result of representative sampling and include analytical results as determined by a certified analytical laboratory, acceptable to the city and approval authority. Sampling and analysis shall be performed in accordance with procedures and methods established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

4. Time and duration of wastewater contribution.
5. Average daily and peak wastewater flow rates, including any daily, monthly, or seasonal variations.
6. Details locating all sewers, sewer connections, and appurtenances by size, location and elevation, including domestic sewers if separate from industrial sewers.
7. Description of plant facilities and processes including treatment on the premises including all materials which are or could be discharged; if the user proposes to discharge wastewater from other sources, a description of plant facilities, processes and treatment.
8. The nature and concentration range of any known pollutants in the discharge which are limited by city, state, or federal pretreatment regulations, and a statement regarding whether or not the categorical pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
9. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the user to meet the applicable pretreatment standards.
 - ii. The user shall submit annual progress reports to the city including, as a minimum whether or not the user has complied with his proposed schedule; and, if not, the date which it expects to return to the proposed schedule and reasons for delay.
10. Each product produced by type, amount, process or processes and rate of productions.
11. Type and amount of raw materials processed (average and maximum per day).
12. Number and type of employees, and hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
13. Any other information as may be deemed by the city to be necessary to evaluate the permit application.

The city and approval authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished by the user, a wastewater discharge permit, authorization, or contract may be issued or entered into subject to terms and conditions provided in this article.

The board and general manager may, upon request by the user or proposed user, waive any of the application requirements set forth above where adequate existing information is available to the general manager.

- b. *Application fees.* Users required to obtain a wastewater discharge permit, authorization or contract shall su application a fee of fifty dollars (\$50.00). This fee is due and payable at the time of initial application and als permit, authorization, or contract renewal.
 - c. *Existing users.* Existing users shall submit an industrial wastewater survey in application for a wastewater discharge permit within thirty (30) days after the effective date of this article, as provided in subsection 23-135.13. Proposed new users shall submit a permit application at least ninety (90) days prior to connecting to or contributing to the POTW.
 - d. *Prohibitions.* Users are prohibited from increasing the volume, concentration, or loading of its discharge from normal operations. Users wishing to increase flow, volume, concentration, loading, or change from normal operations shall follow the procedures for new users and receive a modified permit, authorization, or contract as appropriate for the change in discharge.
 - e. *Certification of information.* All information required to be submitted pursuant to this subsection shall be accompanied by the certification set forth in subsection 23-135.18.
 - f. *Additional information.* The general manager will evaluate the data furnished by the user or proposed user and may require additional information. After evaluation and acceptance of the data furnished, the general manager may issue a permit, authorization, or contract subject to terms and conditions required by the board.
- (2) *Conditions.* Permits, authorizations and contracts shall be expressly subject to all provisions of this article and all other applicable regulations. Permits, authorizations and contracts are subject to user charges and fees established by the board and general manager, and may contain the following conditions:
- a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer may be specified in the permit, authorization, or contract or may be established by separate fee schedule established by the general manager and as revised from time to time;
 - b. Effluent limits, including best management practices, based on applicable general pretreatment standards in CFR 40 Part 403, categorical pretreatment standards, local limits, and state and local law, and may include limits on the average and maximum wastewater constituents and characteristics, limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization; and other limits on flow rate, concentration, loading, or any other limit or prohibition deemed necessary by the general manager;
 - c. Requirements for installation and maintenance of inspection and sampling facilities;
 - d. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule; identification of the pollutants to be monitored; requirements for additional monitoring in case of exceedence or other noncompliance or in cases of interference, pass through, or upset at the board's wastewater treatment plant; notification and recordkeeping requirements; identification of the pollutants to be monitored based on the federal pretreatment regulations; and other such conditions as necessary in the best professional judgment of the general manager;
 - e. Requirements to maintain and operate treatment facilities and/or implement management practices regarding the discharge or potential discharges to the board's wastewater collection and treatment system;
 - f. Compliance schedule;
 - g. Requirements for submission of technical reports or discharge reports;
 - h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the board, and affording board access thereto;

- i. Requirements for notification of the board of any new introduction of wastewater constituents or any subst volume or character of the wastewater constituents being introduced into the wastewater treatment system
- j. Requirements for notification of slug discharges;
- k. Requirements for the modification, revision, revocation or reissuance;
- l. Requirements to comply with the permit, authorization, or contract and all other provisions of this article.
- m. Other conditions as deemed appropriate by the board to ensure compliance with this article.

Contracts may include conditions and limitations not specified in this article as deemed necessary and appropriate by the board and general manager to protect health, safety and welfare; the environment; and/or the wastewater collection and treatment system.

- (3) *Duration.* Permits, authorizations or contracts shall be issued for a specified time period, not to exceed five (5) years. A permit or authorization may be issued for a period of less than a year or may state the specific date of expiration. A minimum of one hundred eight (180) days prior to the expiration of the user's existing permit, the user shall apply for renewal of the contract. The terms and conditions of the contract may be subject to modification by the board during the term of the contract as limitations or requirements as identified in division 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a time schedule for compliance.
- (4) *Transfer.* Permits, authorizations and contracts are issued to a specific user for a specific operation and discharge. A wastewater discharge permit, authorization or contract shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the express written approval of the board. users must notify the general manager of a change in ownership (e.g. transfer of ownership, assets, acquisition) in writing and may be required to resubmit application information. Any succeeding owner or user shall also comply with the terms and conditions of the existing contract until such time as board has issued a new permit, authorization or contract to the succeeding owner or user.
- (5) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the board that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When so requested by the person furnishing a report and upon justification of such claim, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the NPDES, the SID and/or pretreatment programs or as otherwise required by law; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other factual information provided by any user regarding wastewater or its impact the wastewater collection and treatment system will not be recognized as confidential information.

The board shall not transmit to any governmental agency or to the general public information accepted by the board as confidential, until and unless a ten-day notification is given to the user or as otherwise provided by law.

- (6) *Monitoring facilities.* Category 2I, 3 and 3A users shall provide and operate, at the user's own expense, all required monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system and any monitoring facilities as may be required pursuant to a permit, authorization, or contract. The monitoring facility shall normally be situated in the user's premises, but the

board may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the required, appropriate permission from the city and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The monitoring facility shall normally be situated in the right-of-way or easement area. Upon a determination by the general manager, category 2FS and 4 users may be required to provide monitoring facilities as specified in this subsection at their own expense.

- (7) *Inspection and sampling.* The board may inspect the facilities of any user to ascertain whether the user is complying with all requirements and the purpose of this article is being met. Persons or occupants of premises where wastewater is created or discharged shall allow the board or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The board and the approval authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the board, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (8) *Determination of pretreatment requirements, conditions, and other limitations.* After the user is placed in one of the categories previously described, requirements for category 2I, 3, 3A, and 4 users must be determined. The general manager will make such determinations considering the information provided by the user or proposed user, or other information which may be available to the board. If available, the determination will consider actual data from analysis of plant influent and effluent, sludge analysis, and the characteristics of the water body receiving the plant effluent; pollutant loadings from all significant industrial discharges and best professional judgment based on literature search and/or EPA published estimates. Where appropriate the determination will be made in coordination with ADEM. Effluent limits for priority/categorical pollutants will be in accordance with those promulgated by EPA and ADEM, unless more stringent or additional limits and/or conditions, management and operational practices are necessary to protect the board's wastewater collection and treatment system, to prevent pass through, interference, or otherwise satisfy the purposes of this article.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.15. - Appeal procedures for requirements, conditions, and other limitations.

Determinations concerning pretreatment requirements, conditions, and other limitations for the use of the board's wastewater collection and treatment system, permits or other authorizations issued to users, or other determinations or actions under this article will be made by the general manager of the system. Should the user or proposed user object to the general manager's determination regarding pretreatment requirements, conditions, and other limitations, or any person be aggrieved by a determination under this article, the procedures listed below are applicable:

- (1) Written notice of the objection and appeal and the reasons therefore must be made to the general manager of the board within thirty (30) calendar days of notification of the requirement. The notice of objection and appeal must identify with reasonable specificity the requirement, condition, or limitation that is the source of the objection, any facts relevant to the disposition of the written notice of objection and appeal, facts believed to be in error in the general manager's determination, all applicable legal or regulatory provisions, and any proposed alternative requirement, condition, or other limitation. The general manager will reply to the

objection within thirty (30) calendar days. The general manager may reply in a manner provided under this article. Where insufficient information has been provided to the general manager by the entity providing notification under this subsection, the general manager may request that additional information be provided within five (5) days. Failure of such entity to provide adequate information is cause for dismissal of the appeal. Decisions by the general manager may be appealed to the board, or to a committee that the board for the purpose of hearing such appeals may establish. Decisions by the board are final except in cases where ADEM must also concur.

- (2) Any written appeal submitted and received by the board, which is not addressed within thirty (30) calendar days of receipt, or set for hearing, is considered granted to the user or entity filing such appeal except where the general manager has, upon review of the written appeal, determined that additional information is necessary and has made a written request for additional information.
- (3) The thirty-day period within which the user or proposed user can appeal may be waived by the general manager if extenuating circumstances so justify.
- (4) The user or proposed user submitting written notice of objection and appeal will be given the time, date and place of the hearing, and may present said objection in his behalf at said hearing.
- (5) The board may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
 - a. Issue in the name of the board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - b. Take the evidence;
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereof.
- (6) At any hearing held pursuant to this article, testimony taken may be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (7) After the board has reviewed the evidence, it may issue an order to the user or proposed user upholding the general manager's determination; requiring additional requirements, conditions or limitations; directing that, following a specified time period, the sewer service be discontinued unless adequate devices or other related appurtenances are installed on existing treatment facilities, and such devices or other related appurtenances are properly operated and maintained, ordering any payments of surcharges, fees, or other amounts as provided in this article, or requiring any action as provided in this article. Further orders and directives as are necessary and appropriate may be issued.
- (8) Failure to timely file a written notice of objection and appeal, or failure to comply with these appeal procedures, constitutes a waiver of any right to appeal or otherwise contest or seek review of the permit, authorization, contract to discharge, or any other determination or action under this article.
- (9) In the case of a permit or authorization for a new user, or an existing user seeking increased volume, concentration, loading or frequency of discharge or other change from normal operations, the permit or authorization shall be stayed pending appeal, provided however that upon petition filed by a user or proposed user, the board may temporarily allow discharge under the conditions set forth in the permit or authorization under appeal during the pendency of the appeal. The following actions shall not be stayed by appeal: suspensions, terminations, or revocations, temporary authorizations, letter or order establishing conditions and limitations to address non-compliance, harm or potential harm to the wastewater collection and treatment system; or suspensions, terminations, or revocations, temporary authorizations, letter or order establishing conditions and limitations to address pass through or interference with the POTW.
- (10) This subsection does not limit any legal procedures applicable to the establishment of requirements,

conditions, or limitations otherwise provided by law.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.16. - Modification of program requirements for users.

Periodically, changes in requirements, conditions or limitations of existing users may be appropriate. When such changes are deemed necessary, the procedures listed below are applicable:

- (1) The users will be notified in writing of the proposed change and of the basis for the change.
- (2) Included in the notice of change will be any draft permit or contractual requirements, if appropriate.
- (3) The proposed change in user requirements will be effective thirty (30) days after notice. Should a user object to the change, such objection must be registered with the board as provided in subsection 23-135.15 above within thirty (30) days of receipt of the notice of proposed change.
- (4) The filing of a request by the user for a permit modification does not stay any condition of its existing contractual agreement.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.17. - Compliance and reporting program.

The purpose of the compliance and reporting program is to insure all category 2I, 2FS, 3, 3A, and as appropriate category 4, users are meeting the terms of their permits, authorizations, and/or contracts for the protection of the wastewater treatment system, human health, safety and the environment. There are four major components of the compliance and reporting program:

- (1) *Self monitoring reports.*
 - a. Self-monitoring reports are required for users in category 2I, 3, 3A, and as appropriate category 2FS and 4. Self-monitoring reports shall contain information necessary to determine compliance with conditions and limitations of the user's permit, authorization or condition. Reports may include the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the board or general manager, of pollutants contained therein which are limited by the applicable pretreatment standards or this article. The frequency of monitoring and reporting shall be prescribed in the permit, authorization, or contract and will reflect applicable pretreatment standard, other wastewater discharge permit and/or as otherwise prescribed by the approval authority. Copies of self-monitoring reports and all information and documents utilized for their preparation, including laboratory analyses, bench sheets, and quality assurance/quality control information must be kept by the user for a period of five (5) years.
 - b. All analyses shall be performed in accordance with procedures established by the approval authority pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the approval authority. Sampling shall be performed in accordance with the techniques approved by the approval authority.
 - c. Discharge monitoring reports. Users who are required to submit a self-monitoring (DMR) report, either monthly or quarterly, to ADEM as designated in their SID permit must submit a copy of the DMR report to the general manager so that it is received no later than the twenty-eighth day following the monitoring period covered.
 - d. Category 2FS users are not required to submit a monthly, self-monitoring report unless required to do so by the board.
 - e. Any other user may be required to submit self-monitoring reports in a frequency established by the

general manager and containing such information as the general manager or board may deem necessary and appropriate. Reporting frequency and parameters may be set forth in any permit, authorization, or contract.

- f. Failure to submit such report will be a breach of the executed contract and could result in enforcement action.

(2) *Compliance evaluation inspections.* All users are subject to compliance evaluation inspections (CEI). The purpose of CEIs is to insure compliance with applicable conditions and limitations in permits, authorizations, or contracts, representative sampling, sampling and analysis in accordance with requirements of 40 C.F.R. Part 136, and the proper operation of any pretreatment facilities specified for any user in category 2I, category 2FS and category 3, category 3A and category 4 users, as appropriate. These inspections are a "walk-through" type and do not involve effluent sampling. These inspections should confirm that all required facilities are in place and being properly operated. A CEI may be done concurrently with the compliance sampling inspection (CSI) described below. All category 3, 3A, 2I, 2FS and 4 facilities will receive a CEI, and/or CSI, annually.

(3) *Compliance sampling inspection.*

- a. The purpose of the compliance sampling inspection (CSI) is to insure that the provisions of this article are being complied with, and to protect the board's sewer and wastewater system. Compliance sampling inspection is necessary to determine the nature of constituents discharged by users to the board's sewer and wastewater system.
- b. Any user is subject to a CSI. A CSI for those industrial users in specific categories may be required in cases of interference, pass through, or upset at the board's wastewater treatment plant.
- c. Users will be contacted by a representative of the board or general manager at the inception of a CSI.
- d. For category 3, 3A or 2I users, the user will be required to take samples from the user's wastewater discharge and conduct or obtain laboratory analysis for the sample at a frequency specified by the general manager and for parameters specified by the general manager.
- e. All sampling and analysis must meet applicable technical and professional standards. For wastewater sampling and analysis, all activities must meet the requirements of 40 C.F.R. Part 136, which is incorporated by reference into this article. Analytical parameters will include all parameters contained in the user's permit, authorization, or contract, if one exists; parameters addressed in this article, and any other parameter which is:
 - 1. Contained in the priority pollutant scan referred to in 40 C.F.R. Part 136 and Clean Water Act National Pollutant Discharge Elimination system (NPDES) application requirements;
 - 2. Which the board or general manager reasonably believes may be present in the user's wastewater, or
 - 3. Which may have caused or have the potential to cause pass through or interference or other upset of the board's wastewater treatment system.
- f. The board or general manager may require respirometry testing as part of the sampling and analysis. Respirometry testing may utilize the POTW biomass as control while determining the affect of the proposed waste stream on the oxygen uptake rate of the control in accordance with Part 2710 B., Standard Methods for the Examination of Water and Wastewater, 18th edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.
- g. The board or general manager reserves the right to split samples and run an independent confirmatory laboratory analysis of the user's wastewater. Nothing in this section affects the board and general manager's right to conduct random sampling of a user's discharge.
- h. All costs of CSI sampling will be borne by the user. The board and general manager will be responsible

for any random sampling or split samples taken at the user's facility.

- i. CSIs are anticipated to involve multiple samples over a one month period to ensure compliance in light of variability of processes and wastewater discharges.
- j. Representatives of the board or general manager shall be permitted reasonable access to all user facilities for the purpose of conducting activities relating to the CSI, which may include observation and inspection of processes, treatment facilities, materials handling, monitoring and laboratory facilities, and related records and other information in the user's possession.
- k. Representatives of the board or general manager may submit written questions or requests for information from any user relating to compliance with the user's permit, authorization, or contract, any requirement of this article, or any state or federal law relating to wastewater discharge.
- l. Copies of CSI reports and all information and documents utilized for their preparation, including laboratory analyses, bench sheets, and quality assurance/quality control information must be kept by the user for a period of five (5) years.

(4) *Compliance tracking program.*

- a. The purpose of the compliance tracking program (CTP) is to insure that the provisions of this article are being complied with, and to protect the board's sewer and wastewater system, and obtain additional information regarding users with multiple exceedences, instances of noncompliance, or with wastewater high in strength for pollutants which could harm the board's wastewater plant. Compliance tracking is necessary to determine the nature of constituents discharged by users to the board's sewer and wastewater system over a longer period of time.
 - b. Any user in non-compliance with its permit, authorization, contract, or this article is subject to the CTP. Additionally, users which have the potential to discharge constituents which could alone or in conjunction with other discharges cause or contribute to pass through, interference, or upset at the board's wastewater treatment plant are subject to the CTP.
 - c. Users will be contacted by a representative of the board or general manager at the inception of a CTP.
 - d. Upon being placed on the compliance tracking program, users must establish compliance. The user will be sampled monthly for a period of time up to three (3) consecutive months. If non-compliance continues, the user may be continued on the CTP for a subsequent three-month period. If there has been no significant non-compliance with any discharge parameter, the user will be sampled only once in the next quarter. If the user continues in compliance, it will be sampled once during the following six (6) months. If the user is in compliance at this sampling, it will revert to the sampling frequency established in the permit, authorization, or contract so long as compliance is maintained. If at any time, sample results indicate a significant non-compliance situation, the user will be placed on a monthly CSI schedule and may be required to repeat the CTP again and shall be required to establish compliance through the procedure described above.
 - e. Results of self monitoring may also be used in determining compliance so long as sampling and analytical methods meet the requirements of this article.
 - f. Copies of CTP reports and all information and documents utilized for their preparation, including laboratory analyses, bench sheets, and quality assurance/quality control information must be kept by the user for a period of five (5) years.
 - g. Nothing in this subsection affects the board and general manager's authority to bring enforcement actions or seek such other relief as provided by law against a user.
- (5) *Significant non-compliance.* Any user that meets one or more of the following criteria shall be considered in significant noncompliance:

- a. Chronic exceedence of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the same parameter.
- b. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for fats, oil and grease, and 1.2 for all other parameters except pH).
- c. Any other exceedence of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW exercising its emergency authority under paragraph 40 CFR Part 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.
- e. Acute exceedence of a wastewater discharge limit by greater than twice the concentration or mass loading established by a permit, authorization, or contract.
- f. Exceedence of the maximum allowable concentration for pollutants identified in section 23-135.
- g. Failure to comply with any condition of a permit, authorization, or contract for three (3) consecutive reporting periods or greater.
- h. Any discharge to the wastewater collection and treatment system without a permit, authorization, or contract where such permit, authorization, or contract is required by this article.
- i. Failure to operate, maintain, or implement treatment, management practices, or other activities necessary to controlling pollutants in the discharge to the board's sewer and wastewater treatment system.
- j. More than one (1) instance of non-compliance as set forth in subsection (6) below.

Provided, however, that the general manager may determine based upon the totality of circumstances that an event or events which would otherwise constitute significant non-compliance as set forth herein does not warrant categorization as significant non-compliance.

- (6) *Noncompliance.* Any other failure to meet any requirement of this article or any permit, authorization, or contract issued pursuant to this article. Noncompliance includes but is not limited to the following:
- a. Failure to meet a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - b. Failure to provide 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.
 - c. Failure to meet any condition or limitation of any permit, authorization or contract.
 - d. Failure to accurately report noncompliance.
 - e. Any other violation(s) which the board and/or general manager determines will adversely affect the operation or implementation of the board and/or general manager's pretreatment program.
 - f. Any exceedence not defined as significant-non-compliance.

Provided, however, that the general manager may determine based upon the totality of circumstances that an event or events which would otherwise constitute compliance as set forth herein does not warrant categorization as non-compliance.

Sec. 23-135.18. - Requirements for filing of information.

- (a) Provision of false information constitutes a violation of this article and may subject the person submitting such information to prosecution under this Code, section 16-1, or revocation, termination, or suspension of any permit, authorization or contract.
- (b) The following statement or its equivalent shall be submitted by the user or proposed user at the time of submittal of any application or other information to establish compliance or conditions and limitations, reporting information, response to enforcement activities:

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 gather and evaluate the information submitted. Based on my inquiry of the person or persons 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 being charged with a misdemeanor under the Code of Decatur, Alabama.

(Ord. No. 08-3954, § 1, 7-7-08)

Secs. 23-135.19—23-135.20. - Reserved.

DIVISION 4. - ENFORCEMENT ACTIONS

Sec. 23-135.21. - General.

- (a) The failure of any person to comply with any provision contained in this article or any permit, authorization, or contract issued pursuant to this article shall be a violation which shall be enforced in accordance with the penalties and provisions as hereinafter set forth.
- (b) The board and general manager or his designee may at any time take appropriate enforcement action including but not limited to the actions specified below.
- (c) Notwithstanding any enforcement mechanism or action specified herein, where appropriate, the board and general manager may suspend any discharge, terminate or revoke any permit, authorization, or contract where necessary to accomplish the purposes of this article, to protect health, safety and welfare; the environment; or the wastewater collection and treatment system.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.22. - Inspections.

The board, general manager or his designee shall have the right to direct and conduct such investigations as it may reasonably deem necessary to carry out its duties as described in this article. For this purpose, the general manager or his authorized employees and representatives, upon presentation of proper credentials, shall have the right to enter at reasonable times on any property, public or private, for the purpose of investigating and inspecting the conditions relating to pollution and to inspect the operating records of any sewage system, waste treatment work, or other sewage disposal method, including the property owned or operated by any user. Upon refusal of the right of entry, the board or general manager may apply to the appropriate court or tribunal for relief including access, warrant upon showing probable cause that a potential violation exists.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.23. - Reports and information.

Whenever required to carry out the objectives of this article, including but not limited to:

- (1) Developing or assisting in the development of any limitation, condition, prohibition, or standard for discharges, pretreatment, performance, or other standard;
- (2) Determining whether any person is in violation of any such effluent or permit limitation, condition, or prohibition, or other limitation, condition, or prohibition established by this article, the board or general manager may require any person to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, (including where appropriate, biological monitoring methods);
- (3) Sample water or wastewater (at such locations, at such intervals, and in such manner as the board and/or general manager may prescribe) and provide such other information as may reasonably require or be necessary. Copies of any reports required by this article, and all information and documents utilized for their preparation, including laboratory analyses, bench sheets, and quality assurance/quality control information must be kept by the user for a period of five (5) years.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.24. - Enforcement actions.

- (a) The board or general manager may take any enforcement or any other action which in its discretion is appropriate under the circumstances.
- (b) Initial enforcement response options: Where information indicates the potential for non-compliance by a user with this article the general manager may directly proceed to any other enforcement action, or may at their discretion take any or all of the following actions:

Action	Application	Description	Industrial User Response	Penalty
Notice of Noncompliance	Non-significant instance of noncompliance	Letter advising user of instance of noncompliance	Acknowledge receipt and respond as requested	None
Notice of Violation	Significant instance of noncompliance	Letter advising user of instance of noncompliance	Investigation, report, and statement of corrective action and implementation of corrective action within schedule agreeable to board or general manager	\$100—\$10,000 per day per occurrence, to be assessed if industrial user fails to comply with subsequent board order

Notice of Violation	Significant instances of noncompliance or any discharge which threatens POTW and/or general public	Cease and desist order requiring compliance within an appropriate time frame	Formal compliance plan and schedule, interim and final compliance progress reports	\$1,000—\$10,000 per day per occurrence, to be assessed if industrial user fails to comply with subsequent board order
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When the general manager finds any of the instances of noncompliance identified above, the general manager may serve upon the user a written notice. Where an industrial user response is identified, within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the board and general manager. The general manager may extend the time for response as appropriate and necessary upon request by the user made before expiration of the ten-day period. Submission of a response, plan, or other documentation in no way relieves the user of liability for any violations occurring before or after receipt of the notice. Nothing in this section shall limit the authority of the board or general manager to take any action, including emergency actions or any other enforcement action, including suspension, revocation, or termination, without a notice first being issued.

(c) Enforcement orders.

- (1) The board and general manager is authorized to issue orders requiring compliance with this article or assessing appropriate fines or penalties. Such orders may be issued by letter or by consent.
- (2) Orders by consent may include assurances of voluntary compliance, or other similar document establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified in the document. Orders by consent shall have the same force and effect as binding contracts under state law and shall be judicially enforceable by petition for specific performance.
- (3) The board or general manager shall not enter into an order by consent unless the order provides for compliance with this article, remedies instances of non-compliance and provides reasonable assurance of future compliance, and the user waives any show cause hearing where such hearing has not occurred, or any right of appeal.
- (4) Show cause hearing.
 - a. The board or general manager may order any user who causes or allows an unauthorized discharge or discharges in violation of, exceeding, or in non-compliance with any requirement of this article or any permit, authorization, or contract pursuant to this article to show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city regarding the violation, exceedence, or non-compliance, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
 - b. The city may itself conduct the hearing and take the evidence, or may designate any officer or employee to.

- c. Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and evidence relevant to any matter involved in such hearings.
- d. Take the evidence.
- e. Transmit a report of the evidence and hearing. The user may at its own expense arrange for a transcript of the show cause hearing to be made by certified court reporter. The user may submit such other evidence as appropriate, together with recommendations to the city for action thereon. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- f. In any hearing held pursuant to this article, testimony taken must be under oath and evidence submitted by affidavit or otherwise in accordance with contemporary rules governing the admissibility of evidence.
- g. After the city has reviewed the evidence, it may issue an order requiring any action authorized by law, including an order assessing fines, penalties, or other measures; an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.25. - Courts and other tribunals.

The board or general manager is authorized to take all actions provided by law in the appropriate court or other tribunal with jurisdiction to enforce the provisions of this article, any permit, authorization, contract, order, or other instrument provided herein or take such other action as is necessary and appropriate to accomplish the goals of this article. Such action may include, when the board or general manager finds that a user has violated or continues to violate, any provision of this article, a permit, authorization, contract or order issued hereunder, or any other pretreatment standard or requirement, the board or general manager may petition the appropriate court through the board's attorney for the issuance of a temporary or permanent restraining order, injunction, or other appropriate mechanism, which restrains the further violation and/or compels the specific performance of the article provision, permit, authorization, contract, or consent order, or other requirement imposed by this article on activities of the user. Such action may also include an action for the assessment of fines or penalties. The board and general manager 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 or other appropriate response to address harm or potential for harm to the public, human health, or the environment. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.26. - Harmful contributions.

The board may suspend the wastewater treatment service and/or wastewater discharge permit when such suspension is necessary, in the opinion of the general manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference or pass through to the POTW, causes the board to exceed any limitation or violate any condition of its NPDES permit, or any discharge in violation of this article, where the discharge presents harm, nuisance, or otherwise threatens the health, safety and welfare of the citizens.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit or authorization shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the board shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The board shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.27. - Termination.

Any user in non-compliance with its permit, in violation of a requirement, condition, or limitation of its permit or this article, or applicable state and federal regulations, is subject to having its permit, authorization, contract or permission to discharge terminated in accordance with the procedures of division 4 of this article. Cause for termination also includes, but is not limited to, the following:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of their discharge.
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (4) Violation of conditions of the permit or authorization.
- (5) Falsification of information, fraud, or submittal of misleading information, or failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time.
- (6) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, plant closure or termination of a discharge to a publicly or privately owned treatment works).
- (7) The permittee's failure to submit a complete application to include additional information as requested by the general manager.
- (8) The user's failure to remit all water and sewer charges and fees when due.
- (9) Upon receipt of information from a government agency that the effluent from the wastewater treatment plant is no longer of quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the board's system that cannot be sufficiently treated or requires treatment that is not provided by the board as normal domestic treatment.
- (10) The user:
 - a. Discharges industrial waste or wastewater that is in violation of a wastewater discharge contract with the board;
 - b. Discharges water or wastes having a deleterious effect upon the board's sewer system;
 - c. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - d. Repeats a discharge of prohibited wastes to the board's sewer;
- (11) Such other good cause as determined by the board.

The board shall not be held responsible in any way for any damages or inconveniences experienced by the user as a result of termination of service.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.28. - Appeals of enforcement actions.

- (a) Any person aggrieved by the decision of the board or general manager under this division 4, enforcement actions, may within fifteen (15) days thereafter appeal there from to the municipal utilities board of the city by filing with the general manager a written notice of appeal specifying the decision from which the appeal is taken. The written notice of appeal shall identify with reasonable specificity the specific findings, conclusions, and/or actions by the board or general manager sought to be appealed, any facts relevant to the disposition of the appeal, facts believed to be in error in the general manager's or board's decision, all applicable legal or regulatory provisions, and any proposed alternative disposition.
- (b) In case of such appeal, the general manager of the wastewater department shall deliver a copy of any notice and any other documentation regarding the violation, exceedence, or non-compliance, a transcript if available, and any testimony to the municipal utilities board of the city which the board shall hold a hearing on the matter based upon the information provided and hear arguments of such appellant and of the representatives of the board and make such decision as such municipal utilities board may determine to be appropriate and proper.
- (c) Any party aggrieved by any final decision of such municipal utilities board may within fifteen (15) days thereafter appeal there from to the circuit court of the county, by filing with such municipal utilities board a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, such municipal utilities board shall cause a copy of the transcript of the proceedings in the action and such other documents as formed the basis of the municipal utilities board decision to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo without a jury.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.29. - Legal action.

In addition to the provisions above, if any person discharges sewage, industrial wastes or other wastes into the board's wastewater disposal system contrary to the provisions of the this article, federal or state requirements, or any order of the board or general manager, or any user fails or refuses to remit fees or charges under this article, the board's attorney may commence an action for appropriate legal and/or equitable relief in appropriate court or other tribunal, including the circuit court or district court of this county, the United States District Court or other proper court. In the event that the board or general manager is required to take legal action in the board's or the general manager's behalf or to defend the board, for any matter arising out of the improper discharge of wastewater into the board's treatment and/or collection facility, for violation of any of this article, for breach of contract or any other matter arising under the contract between the user and the board, then the user shall pay all the board's attorneys' fees, expenses and costs.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.30. - Fines and criminal actions.

Violation of any provision of this article or any permit or authorization issued hereunder shall be punishable by civil or criminal fines of up to ten thousand dollars (\$10,000.00) per day for each violation. Violation of this article may also be prosecuted as a criminal misdemeanor under section 1-8 of this Code. The board and general manager may seek the assistance of the city attorney and department of police in the enforcement of any provisions of this article.

(Ord. No. 08-3954, § 1, 7-7-08)

DIVISION 5. - ADMINISTRATION

Sec. 23-135.31. - Indemnification.

In any and all instances where the board has reasonable cause to believe that any of the rules, regulations, or provisions set forth in this article or that have otherwise been adopted by the board have been, may be, or are being violated by any user discharging waste into the board's wastewater collection and treatment system, the board may require such person to give bond or enter into an indemnity agreement in a form acceptable to the board with sufficient surety to protect, indemnify, hold harmless and defend the board from any loss, damage, or expense that may suffer or incur as a result of non-compliance or violation by such user; and, in the event of the failure to do so after ten (10) days' notice by registered U. S. Mail that the same will be required, the use of the board's wastewater collection and treatment system by such user shall be denied or discontinued.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.32. - Severability.

If any provision, paragraph, word, section or article of the non-domestic sewer use ordinance from which this article derived is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.33. - Conflict.

All other resolutions and parts of other resolutions inconsistent or in conflict with any part of the non-domestic sewer use ordinance from which this article derives, are hereby repealed to the extent of such inconsistency or conflict.

(Ord. No. 08-3954, § 1, 7-7-08)

Sec. 23-135.34. - Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the board and any industrial concern by the board for treatment, subject to payment therefore, by the industrial concern.

(Ord. No. 08-3954, § 1, 7-7-08)