

CHAPTER 53: SEWERS

Section

Pretreatment Standards

- 53.01 Definitions
- 53.02 Discharge of substances
- 53.03 Wastewater strength limitations
- 53.04 Fees
- 53.05 Administration; user reports
- 53.06 Discharge permits; conditions
- 53.07 Monitoring facilities
- 53.08 Inspection and sampling
- 53.09 Pretreatment
- 53.10 Information confidential

Use Regulations

- 53.25 Definitions
- 53.26 Control of Director of Engineering
- 53.27 Public wastewater disposal
- 53.28 Private wastewater disposal
- 53.29 Building and sewer connections
- 53.30 Use of public services
- 53.31 Damage of structures and equipment
- 53.32 Inspectors; power and authority

Service Charge System

- 53.45 Purpose
- 53.46 Definitions

- 53.47 Establishment of charge system
- 53.48 Determination of charges
- 53.49 Sewer Service Fund
- 53.50 Administration
- 53.99 Penalty

PRETREATMENT STANDARDS

§ 53.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 USC §§ 1251 *et seq.*

BIOCHEMICAL OXYGEN DEMAND or BOD₅. The quantity of oxygen utilized in the biochemical oxidation of organic matter according to the latest edition of *Standard Methods for the Examination of Water and Wastewater*, expressed in terms of weight and concentration (milligrams per liter, mg/l).

CITY. The City of Waseca.

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

ENGINEER. The Director of Engineering or the person's duly authorized representative.

INDUSTRIAL USER. A person who discharges to the city's wastewater disposal system liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, or from the development of any natural resource.

MAY. The act referred to is permissive.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 USC §§ 1251 *et seq.*); for the purpose of regulating the discharge of sewage, industrial wastes or other wastes under the authority of Section 402 of the Act.

PERSON. The state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership or other entity, including, but not limited to association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PRETREATMENT. The process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into the city's wastewater disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means.

SHALL. The act referred to is mandatory.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the city's wastewater disposal system which:

- (a) Has a discharge flow of 25,000 gallons or more per average work day;
- (b) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Minnesota Statutes and Rules;
- (c) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or air emissions generated by the system;
- (d) Has a flow greater than 5% of the flow of the city's wastewater disposal system; or
- (e) As established by the Minnesota Pollution Control Agency through the NPDES permit issued to the city.

STATE. The State of Minnesota.

STATE DISPOSAL SYSTEM PERMIT. Any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system, as defined by M.S. § 115.01 (8), as it may be amended from time to time.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT. The Superintendent of the wastewater disposal system of the city or the person's duly authorized representative.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

USER. Any person who discharges, causes or permits the discharge of wastewater into the city's wastewater disposal system.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's wastewater disposal system.

WASTEWATER DISPOSAL SYSTEM or SYSTEM. Any devices, facilities, structures, equipment or works owned or used by the city for the purpose of the transmission, storage,

treatment, recycling and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection system, pumping power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, 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.

(B) Terms not otherwise defined herein shall be given in M.S. Chs. 115 and 116, as amended.

('86 Code, § 3.28)

§ 53.02 DISCHARGE OF SUBSTANCES.

(A) No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system to any public sewer except as permitted in writing by the Director of Engineering:

(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 wastewater disposal system or to the operation of the system; (At no time shall two 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 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.)

(2) Solid or viscous substances which will or 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 grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, animal feces, 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, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater having a pH less than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system; (A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.)

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and/or repair;

(6) Any substance which may cause the wastewater disposal system's effluent or any other product of the wastewater treatment process such as residues, sludge or scum, to be unsuitable for, or interfere with, normal disposal practices;

(7) Any substance which will cause the wastewater disposal system to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes, ink and vegetable tanning solutions;

(9) Any wastewater causing, individually or in combination with other wastewater, the influent at the wastewater 104° F. (40° C.);

(10) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD₅, COD and the like), released in a discharge of the volume or strength as to cause interference in the wastewater disposal system; (In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 30 minutes, more than five times the average 24-hour concentration of quantities, or flow during normal operation.)

(11) Any unpolluted water including, but not limited to cooling water, storm water or groundwater;

(12) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 250 mg/l or containing substances which may solidify or become viscous at temperatures between 0° C. and 65° C.; and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not; and/or

(13) Wastewater containing inert suspended solids (such as, but not limited to Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) in the quantities that they would cause interference with the wastewater disposal system.

('86 Code, § 3.29)

(B) (1) Sludges, floats, skimmings and the like generated by an industrial or commercial pretreatment system shall not be placed in to the city's wastewater disposal system. The sludges shall be contained, transported and disposed of by haulers in accordance with all federal, state and local regulations.

(a) *Enforcement.*

1. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter in order to enable countermeasures to be taken to minimize damage to the wastewater disposal system and the receiving waters. The notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system and/or treatment process, or for any fines imposed on the city on account thereof under any state or federal law.

2. The city may suspend the wastewater treatment service and/or a wastewater discharge permit when the suspension is necessary, in the opinion of the City Council in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the wastewater disposal system, or would cause the city to violate any condition of its NPDES or state disposal system permit.

3. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Engineer shall take the steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Engineer 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 slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the City Manager within 15 days of the date of occurrence.

(b) *Revocation of permit.* In accordance with the procedures given herein, the City Council may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this chapter or applicable state and federal regulations.

(c) *Notification of violation.* Whenever the city finds that any person has violated or is violating this subchapter, wastewater discharge permit or any prohibition, limitation or requirement contained herein, the city may serve upon the person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(d) *Show cause hearing.*

1. If the violation is not corrected by timely compliance, the city may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

2. The City Council may itself conduct the hearing and take the evidence, or may designate any officer or employee of the city to:

a. Issue, in the name of the City Council, notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;

b. Take the evidence; and

c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

3. At any hearing held pursuant to this chapter, testimony taken must 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 therefore.

4. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the City Attorney may, following the authorization of the action by the City Council, commence an action for appropriate legal and/or equitable relief.

(f) *Annual publication.* A list of the users which were not in compliance with any pretreatment requirements or standard at least once during the previous 12 months shall be published annually in the city's official newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(2) *Costs of damage.* Any user violating any discharge limitation of this subchapter or who has a discharge which causes a deposit, obstruction, damage or other impairment to the city's wastewater disposal system shall become liable to the city for any expense, loss or damage caused by the violation or discharge. The city may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this subchapter.

(3) *Falsifying information.* Any industrial user or representative or employee thereof, who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter, may, upon conviction, have its permit revoked by the City Council.

(4) *Conflict.* All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this subchapter are hereby repealed to the extent of the inconsistency or conflict.

('86 Code, § 3.32) Penalty, see § 53.99

§ 53.03 WASTEWATER STRENGTH LIMITATIONS.

(A) Federal pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to the standards in any instance where they are more stringent than the limitations in this subchapter unless the city has applied for, and obtained from, the MPCA approval to modify the specific limits in the federal pretreatment standards. When requested, an application for modification of the federal

pretreatment standards will be considered for submittal when the city's wastewater system achieves consistent removal of the pollutants.

(B) State requirements and limitations on discharges shall be met by all users which are subject to the standards in any instance in which they are more stringent than federal requirements and limitations or those in this subchapter.

(C) (1) The city reserves the right to establishment by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented herein.

(2) The user shall be notified of any proposed changes at least 90 days before establishment of a change in this subchapter.

(D) No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the federal pretreatment standards, or contained in any state requirements.

(E) (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

(2) Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Engineer for review, and shall be approved by the Engineer before construction of the facilities. Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter.

('86 Code, § 3.30)

§ 53.04 FEES.

(A) It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges of fees shall be set forth by the city, to be recommended, from time to time, by the City Manager and approved by the City Council.

(B) The City Manager shall recommend charges and fees which may include:

(1) Fees for monitoring and inspection procedures;

(2) Fees for permit applications;

(3) Appeal fees;

(4) Surcharge fees, as deemed necessary by the city to recover costs incurred for treatment of waste which exceeds parameters contained in the permit for significant industrial user; and

(5) Other fees as the city may deem necessary to carry out the requirements of this subchapter.

('86 Code, § 3.31)

§ 53.05 ADMINISTRATION; USER REPORTS.

The city may require that any significant industrial user discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic self-monitoring discharge report. The discharge report shall include, but be limited to daily and monthly flow rates, pH, BOD₅, suspended solids, oil and grease and frequency analysis. The reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. A summary of the data indicating each industrial user's compliance with this subchapter shall be prepared monthly and submitted to the Director of Engineering. In addition to discharge reports, the city may require information in the form of wastewater discharge permit applications and compliance schedules.

('86 Code, § 3.32)

§ 53.06 DISCHARGE PERMITS; CONDITIONS.

(A) *Mandatory permits.* All significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater system. All existing significant industrial users or industrial users subject to federal pretreatment standards under Section 307 (b) and (c) of the Act, connected to or discharging into the wastewater disposal system shall obtain a wastewater discharge permit within 90 days after the effective date of this subchapter.

(B) *Permit application.* Users required to obtain a wastewater discharge permit shall complete and file with the Director of Engineering, an application in the form prescribed by the Engineer, and accompanied by a fee as set by the City Council. Significant industrial users shall apply for a wastewater discharge permit within 30 days after the effective date of this subchapter, and proposed new users shall apply at least 90 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from address);
- (2) SIC number according to the Standards Industrial Classification Manual, Bureau of Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics including, but not limited to those governed herein as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association;
- (4) Time and duration of discharge;
- (5) Average daily wastewater flow rates, including daily wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation; if available on existing facilities;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and for existing discharges, a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards; and

(9) Any other information as may be deemed by the Director of Engineering to be necessary to evaluate the permit application. The Director of Engineering will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(C) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations, user charges and fees established by the city. Permits shall contain the following:

(1) Limits on the average and maximum wastewater constituents and characteristics;

(2) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

(3) Requirements for submission of technical reports or discharge reports;

(4) Requirements for notification to the Director of Engineering and Superintendent of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the wastewater treatment system; and

(5) Requirements for notification of slug discharges to the Superintendent. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;

(b) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(c) Requirements for installation and maintenance on inspection and sampling facilities;

(d) Requirements for installation, operation and maintenance of pretreatment facilities;

(e) Compliance schedules;

(f) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director of Engineering, and affording the Director of Engineering and Superintendent access thereto; and

(g) Other conditions as deemed appropriate by the city to ensure compliance with this subchapter.

(D) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified herein are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 120 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(E) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may be reassigned to a new owner, new user, at the same premises. Any succeeding owner or user shall comply with the terms and conditions of the existing permit.

('86 Code, § 3.32)

§ 53.07 MONITORING FACILITIES.

(A) Monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all significant industrial users. The monitoring facility should normally be situated on the user's premises, but the Director of Engineering may, when 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 and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and compositing 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.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Engineer, unless a time extension is otherwise granted by the City Council.

('86 Code, § 3.32)

§ 53.08 INSPECTION AND SAMPLING.

(A) The Director of Engineering or his or her designee shall inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director of Engineering or his or her designee ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling and/or records examination. The Director of Engineer or his or her designee, MPCA and EPA shall have the right to set up on the user's property the devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(B) 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 any security guards so that upon presentation of suitable identification, the Director of Engineering or his or her designee, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(`86 Code, § 3.32)

§ 53.09 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this subchapter. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense.

(B) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director of Engineering for review, and must be approved by the Director of Engineering before construction of the facility. The review of the plans and operating procedures will not relieve the user from the responsibility as necessary to produce an effluent acceptable to the city. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(C) All records relating to compliance with pretreatment standards shall be made available by the city to officials of the EPA or MPCA on request.

(`86 Code, § 3.32)

§ 53.10 INFORMATION CONFIDENTIAL.

(A) Information and data on a user, obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of the information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this subchapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that the portions of a report shall be available for use by the state or any state agency in judicial review or, enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

(`86 Code, § 3.32)

USE REGULATIONS

§ 53.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33 USC §§ 1251 *et seq.*

ASTM. American Society for Testing Materials.

AUTHORITY. The City of Waseca, Minnesota, or its representative thereof.

BOD₅ or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days as 20° C., in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning four feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

CITY. The area within the corporate boundaries of Waseca, as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY**, when used herein, may also be used to refer to the City Council and its authorized representative.

CHEMICAL OXYGEN DEMAND or COD. The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat the pollutants to a degree which complies with effluent concentration limits imposed by the permit.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

INDUSTRY. Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW or I/I. The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface run-off, street wash waters and drainage.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes of sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria applicable to the method of disposal or use employed by the city.

MPCA. Minnesota Pollution Control Agency.

MAY. The act referred to is permissive.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by the treatment facilities or would interfere with the operation of the treatment facilities, pursuant to Section 307 (b) of the Act.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 300 mg/l and a suspended solids (TSS) concentration not greater than 300 mg/l.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under flow conditions prevailing in public sewers with no particle greater than ½-inch (1.27 cm) in any dimension.

SEWAGE. The spent water of a community. The preferred term is “wastewater.”

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewater from individual point source discharges and connections.

(2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.

(6) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.

(7) **SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(8) **STORM SEWER or STORM DRAIN.** A drain or sewer intended to carry storm waters, surface run-off, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SHALL. The act referred to is mandatory.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility which has a discharge flow:

(1) In excess of 25,000 gallons per average work day;

(2) Has exceeded 5% of the total flow received at the treatment facility;

(3) Whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307 (a) of the Act; or

(4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or emissions generated by the treatment system.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 30 minutes or more than five times the average 24-hour concentration of flows during normal operation.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system, as defined by M.S. § 115.01 (8), as it may be amended from time to time.

SUPERINTENDENT. The Wastewater Treatment Plant Superintendent or a deputy, agent or representative thereof.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organization will cause adverse affects as defined in standards issued pursuant to Section 307 (a) of the Act.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

WASTEWATER.

- (1) The spent water of a community and referred to as sewage.
- (2) From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutes together with any ground water, surface water and stormwater that may be present.

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

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WPCF. The Water Pollution Control Federation or its most current designated form.

('86 Code, § 3.39)

§ 53.26 CONTROL BY THE DIRECTOR OF ENGINEERING.

The Director of Engineering or his or her designee shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this subchapter to the end that a proper and efficient sewer is maintained.

(`86 Code, § 3.40)

§ 53.27 PUBLIC WASTEWATER DISPOSAL.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter and the city's NPDES/SDS permit.

(C) Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(D) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which the city and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this code. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official notice shall be served instructing the affected property owner to make the connection.

(`86 Code, § 3.41) (Am. Ord. 774, passed 9-4-01) Penalty, see § 53.99

§ 53.28 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sewer is not available under the provisions of § 52.04, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the city when work is ready for final inspection,

and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

(D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled, "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(F) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the state.

('86 Code, § 3.42)

§ 53.29 BUILDING AND SEWER CONNECTIONS.

(A) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅ and suspended solids, as determined by the Director of Engineering.

(B) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(C) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(D) (1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(E) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(F) (1) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be construed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer.

(2) The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection aforementioned.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his or her representative, to meet all requirements of this subchapter.

(H) (1) The size, slopes, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the Minnesota Building and Plumbing Code or other applicable rules and reputations of the city.

(2) In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by any approved means and discharged to the building sewer.

(J) (1) *Prohibited discharges, storm water drainage.* No person shall discharge or cause to be discharged any "storm water drainage" defined as any storm water, ground water or flow from roof runoff, surface runoff, subsurface drainage, down spouts, yard drains, sump pumps, yard fountains, drains, swimming pools, ponds, cistern overflows or lawn sprays into any sanitary sewers.

(2) *Unlawful acts.* It is unlawful for any person to make or maintain a connection between eaves troughs, rainspouts, footing drains or any other conductor used to carry natural precipitation or ground water and the sanitary sewer system or any part thereof.

(a) Any property owner in violation of this section and upon receiving notice of the violation, shall disconnect the conductor from the sanitary sewer system within the designated time specified within the notice or one year whichever is shorter. Any property owner in violation of this division (J) shall be assessed a monthly surcharge of an amount as set by the City Council and as amended from time to time for each month that the conductor is not permanently disconnected. Failure to permanently disconnect the conductor, or reconnection of the disconnected conductor, may result in the suspension of water and sanitary sewer service.

(b) The property owner shall allow a city inspector on the premises to conduct inspection of the sanitary sewer service and any connections. Failure to allow the inspector on the premises shall warrant the surcharge and potential suspension of service as an illegal connection above.

(c) Prior to change of ownership of any building within the city, the seller shall provide a copy of a certificate of compliance to the buyer and the city.

(K) (1) The connection of the building sewer into the public sewer shall conform to the requirements of the Minnesota Building and Plumbing Code or other applicable rules and regulations of the city.

(2) All connections shall be made gas tight and water tight, and verified by proper testing to prevent the inclusion of infiltration/inflow.

(3) Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(L) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.

(M) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property distributed in the course of the work, shall be restored in a manner satisfactory to the city.

(N) No person shall make a service connection with any public sewer unless the work is under the supervision of a state licensed master plumber or included under city contract, and no permit shall be granted to any person except a licensed master plumber.

('86 Code, § 3.43) (Am. Ord. 769, passed 3-19-02)

§ 53.30 USE OF PUBLIC SERVICES.

(A) No person shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof run-off, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Storm and all other unpolluted drainage shall be discharged to the sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either atone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system; (Prohibited materials included, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols ketones, aldehydes, peroxides, chlorates, bromates, carbides, hydrides and sulfides.)

(2) Solid or viscous substances which will 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 grease, garbage with particles greater than one-half inch in any dimension, 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, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater having a pH of less than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system; and/or

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

(D) (1) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The city may set limitations lower than limitations established in the regulations below if, in its opinion, more severe limitations are necessary to meet the above objectives.

(2) In forming its opinion as to the acceptability of wastes, the city will give consideration to the factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:

(a) Any wastewater having a temperature greater than 150° F. (65° C.), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104° F. (40° C.), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein;

(b) Any wastewater containing fats, wax, grease, or oils of animal or vegetable origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not;

(c) Any quantities of flow, concentrations or both which constitute a "slug," as defined herein;

(d) Any garbage not properly shredded, as defined in § 53.25; (Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.)

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;

(f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions;

(g) Non-contact cooling water or unpolluted storm, drainage or ground water;

(h) Wastewater containing inert suspended solids (such as, but not limited to Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system;

(i) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(j) Any waters or wastes containing the following substances to a degree that any material received in the composite wastewater at the wastewater treatment works that will violate the city's NPDES permit for the following materials is prohibited:

1. Arsenic;
2. Cadmium;
3. Copper;
4. Cyanide;
5. Lead;
6. Mercury;
7. Nickel;
8. Silver;
9. Total chromium;
10. Zinc; and/or
11. Phenolic compounds which cannot be removed by city's wastewater treatment system.

(k) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body; and/or

(l) Any waters or wastes containing BOD5 or suspended solids of the character and quantity that unusual review and approval prior to construction of the treatment or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of divisions (F) and (G) below.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances to the public sewers which contain substances or possess the characteristics enumerated in division (D) above, and/or which in the judgment of the city, may have a deleterious effect upon the wastewater treatment facilities, processes or equipment; receiving waters and/or soil, vegetation and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof;
- (c) Require control over the quantities and rates of discharge; and
- (d) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(2) If the city permits and pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

(F) No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitation contained in divisions (C) and (D) above or contained in the national categorical pretreatment standards or any state requirements.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

(H) Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified, any flammable wastes as specified in division (C)(1) above, sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the city. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

(I) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure or control manhole, with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

(J) (1) The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this subchapter and special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city.

(2) The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at the times and in a manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

(K) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American

Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(L) Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for approval of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this subchapter to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employees shall insure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

(M) No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, after 30 days, the city may cause the work to be completed at the expense of the owner or representative thereof.

(N) Whenever a service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the city may direct. Each day after seven days that a person neglects or fails to so act shall constitute a separate violation of this division, and the city may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the manner of the city.

(O) The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

(P) In addition to any penalties that may be imposed for violation of any provision of this subchapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by the person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

(Q) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment, therefore, by the industrial concern, providing that national categorical pretreatment standards and the city's NPDES and/or state disposal system permit limitations are not violated.

(86 Code, § 3.44) Penalty, see § 53.99

§ 53.31 DAMAGE OF STRUCTURES AND EQUIPMENT.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest.

('86 Code, § 3.45) Penalty, see § 53.99

§ 53.32 INSPECTORS; POWERS AND AUTHORITY.

(A) The Superintendent or the duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this subchapter.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential, however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

(C) While performing necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 53.30.

(D) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

('86 Code, § 3.47)

SERVICE CHARGE SYSTEM

§ 53.45 PURPOSE.

This subchapter shall provide for sewer charges to cover costs associated with:

(A) Operation, maintenance and replacement to ensure effective functioning of the city's sanitary sewer system; and

(B) Local capital costs incurred in the construction of the city's sanitary sewer system.
('86 Code, § 3.56)

§ 53.46 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

BIOCHEMICAL OXYGEN DEMAND or **BOD₅**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

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

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

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

DEBT SERVICE CHARGE. A charge levied on uses of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

EXTRA STRENGTH WASTE. Wastewater having a BOD and/or TSS greater than domestic waste, as defined herein, and not otherwise classified as an incompatible waste.

GOVERNMENTAL USER. Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

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

INDUSTRIAL USERS or **INDUSTRY.**

(1) Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- (a) Division A, Agriculture, Forestry and Fishing;
- (b) Division B, Mining;
- (c) Division D, Manufacturing;

- (d) Division E, Transportation, Communications, Electric, Gas and Sanitary Sewers; and
- (e) Division I, Services.

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

- (a) BOD₅ less than 300 mg/l; and/or
- (b) Suspended solids less than 300 mg/l.

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

NORMAL DOMESTIC STRENGTH WASTEWATER or DOMESTIC FLOW. Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 300 mg/l and suspended solids concentrations not greater than 300 mg/l.

('86 Code, § 3.57)

§ 53.47 ESTABLISHMENT OF CHARGE SYSTEM.

(A) The city hereby establishes a sewer service charge system whereby all revenue collected from users of the sanitary sewerage facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the sanitary sewerage facility shall be determined and fixed in a sewer service charge system developed according to the provisions of this subchapter. Subsequent changes in sewer service rates and charges shall be adopted by the City Council.

(E) Revenues collected for sewer service shall be deposited in a separate fund known as the Sanitary Sewer Fund. Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the Sewer Service Fund will be administered in accordance with the provisions of § 53.50.

§ 53.48 DETERMINATION OF CHARGES.

(A) (1) Users of the city sewerage facilities works shall be identified as belonging to one of the following user classes:

- (a) Residential;
- (b) Commercial;
- (c) Industrial; or
- (d) Institutional and governmental.

(2) The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the city staff. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) The user shall pay operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and of TSS being the rate established for concentrations no greater than 300 mg/l BOD and 300 mg/l TSS (i.e. normal domestic strength wastewater).

(C) (1) Unit costs for treatment of flow, BOD and TSS shall be determined and fixed annually in the sewer service charge system according to the following procedure:

- (a) Determine the annual O, M & R budget;
- (b) Allocate total annual O, M & R costs to flow, BOD and TSS proportionately, according to the costs of collection, and of the specific treatment processes required to affect or reduce flow, BOD and TSS; and
- (c) Divide the O, M & R costs attributable to flow, BOD and TSS respectively, by the total annual volume and loadings of flow, BOD and TSS, to arrive at unit costs.

(2) For purposes of determining user charges, the following definitions of unit costs shall apply:

- (a) **OF** equals the unit cost for treatment of domestic flow in \$/ccf.
 - (b) **UBOD** equals the unit cost for treatment of BOD in \$/lb.
 - (c) **UTSS** equals the unit cost for treatment of TSS in \$/lb.
- (D) User charges for normal domestic strength users.

(1) The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the city, from the measurement of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the city. The billable amounts of BOD and TSS are included in the domestic flow unit charge.

- (2) Calculating user charges.

$$\text{UC(NDS)} = (\text{OF} \times \text{F})$$

- (a) **UC(NDS)** equals user charge for treatment of normal domestic strength wastewater.
 - (b) **OF** equals the unit cost for treatment of domestic flow in \$/ccf.
 - (c) **F** equals the billable flow in ccf.
- (E) User charges for users contributing wastes greater than normal domestic strength.

(1) The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the city, from the measurement of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the city. The billable amounts of BOD and TSS will be calculated by the measurement of these wastes according to a program prescribed by the city in keeping with the latest edition of *Standard Methods for the Examination of Water and Wastewater* and in accordance with Ordinance No. 555, "An Ordinance Establishing Sewer Use Regulations."

- (2) Calculating user charges.

$$\text{UC(GNDS)} = (\text{OF} \times \text{F}) + (\text{UBOD} \times \text{QBOD}) + (\text{UTSS} \times \text{QTSS})$$

- (a) **UC(GNDS)** equals the user charge for treatment of wastewater that is greater than normal domestic strength.
- (b) **OF** equals the unit costs for treatment of domestic flow in \$/cff.
- (c) **F** equals the billable flow in ccf.
- (d) **UBOD** equals the unit cost for treatment of BOD in \$/lb.
- (e) **QBOD** equals the quantity of BOD greater than domestic strength in lbs.
- (f) **QTSS** equals the unit cost for treatment of BOD in \$/lb.
- (g) **QTSS** equals the quantity of TSS greater than domestic strength in lbs.

(F) The city may, at its discretion, require nonresidential users to install wastewater flow meters or additional water meters as may be necessary to determine wastewater volume. The city may require residential connections to install water meters for the purpose of determining wastewater volume. When so required, the meters shall be of a type approved by the city equipped with remote registering recorders, and located at an accessible site on the owner's property.

(G) A portion of new construction costs for the sanitary sewerage facility will be recovered from users in proportion to their contributions of wastewater flow and loadings into the treatment facility as follows:

(1) Unit costs for debt service of capital expenditures attributable to flow, BOD and TSS shall be calculated according to the sewer service charge system. For purposes of determining debt service charges, the following definitions shall apply:

- (a) **DF** equals the unit cost for debt service of capital expenditures attributable to domestic flow.

(b) **DBOD** equals the unit costs for debt service of capital expenditures attributable to SOD.

(c) **DTSS** equals the unit cost for debt service of capital expenditures attributable to TSS.

(d) The calculation of flows and loadings for the debt service charge shall be the same as described in divisions (D) and (E) above.

(2) For normal domestic strength users:

$$\mathbf{DC(NDS) = (DF \times F)}$$

(3) For users contributing wastes greater than normal domestic strength:

$$\mathbf{DC(GNDS) = (DF \times F) + (DBOD \times QBOD) + (DTSS \times QTSS)}$$

(a) **DC(NDS)** equals the debt service charge to normal domestic strength users.

(b) **DC(GNDS)** equals the debt service charge to users contributing wastewater that is greater than normal domestic strength.

(c) **DF** equals the unit cost for debt service of capital expenditures attributable to flow in \$/ccf.

(d) **F** equals the billable flow in ccf.

(e) **DBOD** equals the unit cost for debt service of capital expenditures attributable to BOD in \$/lb.

(f) **KBOD** equals the constant used to calculate the quantity of BOD in lbs./ccf of NDSW (300 mg/l BOD) as follows.

(g) **KBOD** equals $.00834 \times 300$ mg/l (BOD concentration of NDS waste).

(h) **DTSS** equals the unit cost for debt service of capital expenditures attributable to TSS in \$/lb.

(i) **KTSS** equals constant used to calculate the quantity of TSS in lbs./ccf of NDSW (300 mg/l TSS) as follows.

(j) **KTS** equals $.00834 \times 300$ mg/l (TSS concentration of NDS waste).

(k) **QBOD** equals the quantity of BOD in lbs.

(l) **QTSS** means the quantity of TSS in lbs.

(m) **SSC** equals $U_c + D_c$.

1. **SSC** equals the annual sewer service charge.

2. **U_c** equals the annual user charge.

3. **D_c** equals the annual debt service charge.

(H) A portion of new construction costs for the sanitary sewer facility will be recovered through a per connection charge based on the total annual debt service and the total number of connections as follows:

$$Dc = \frac{TDS}{TC}$$

TC

- (a) **Dc** equals the annual debt service charge attributable to connections.
- (b) **TDS** equals the total annual debt service.
- (c) **TC** equals the total number of connections.

$$SSC = Uc + Dc$$

- (a) **SSC** equals the annual sewer service charge.
- (b) **Uc** equals the annual user charge.
- (c) **Dc** equals the annual debt service charge.

(`86 Code, § 3.59)

§ 53.49 SEWER SERVICE FUND.

(A) The city hereby establishes the Sanitary Sewer Fund as an income fund to receive all revenues generated by the sewer charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the Sanitary Sewer Fund:

- (1) Operation and Maintenance Account;
- (2) Equipment Replacement Account; and
- (3) Debt Retirement Account.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Finance Department separate and apart from all other funds of the city.

(C) Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs.

(`86 Code, § 3.60)

§ 53.50 ADMINISTRATION.

The charge system and Sanitary Sewer Fund shall be administered according to the following provisions:

(A) (1) The Finance Department shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of the costs annually.

(2) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement.

(3) The city shall reassess and as necessary revise the sewer service charge system then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered. Any bill not paid by the due date will be considered delinquent. At that time, the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at a rate of interest prescribed by Council.

(C) The owner of the premises may be liable to pay for the service to the premises, as determined by the Council, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(D) Any additional costs caused by discharges to the sanitary sewerage facilities of toxic or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of the wastes, at no expense to the city.

('86 Code, § 3.61)

§ 53.99 PENALTY.

(A) Any user who is found to have violated §§ 53.01 through 53.10 or who has not taken action within its means to comply with any provision of these sections, and the orders, rules, regulations and permits issued hereunder, may be fined not less than \$100 nor more than \$5,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties, provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated §§ 53.01 through 53.10.

('86 Code, § 3.32)

(B) (1) Any person found to be violating any provision of §§ 53.25 through 53.32 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (B)(1) above, shall be guilty of a misdemeanor. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of §§ 53.25 through 53.32 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(4) Properties in violation of §§ 53.29 or 53.30 may be charged three times the normal sewer charges if the violations are not corrected within 90 days of written notification of the violation being given to the owner and/or occupant of the structure found to be in violation. The City Council may by policy provide for a longer period within which to comply without charging three times the normal sewer charges where compliance would require elimination of footing drain connections for a building lacking a sump pit or other means of readily connecting the illegal discharge to a legal mews.

(5) Persons connected to city sanitary sewer systems shall permit inspection of their connections to the sanitary sewer system and means of handling surface water run-off, roof drain water and groundwater for compliance with §§ 53.25 through 53.33 or re-inspection to confirm compliance with any orders to correct violations of §§ 53.25 through 53.33. The inspection or re-inspections shall be permitted by the owner and/or occupant within ten days of request by the city to conduct an inspection. The inspection shall be scheduled within ten days of request by the city and shall occur between the hours of 8:00 a.m. and 8:00 p.m. Failure to permit the inspection or reinspections if warranted to confirm compliance with orders to correct violations of §§ 53.25 through 53.33 shall result in the charging of three times the normal sewer rates until the inspection or re-inspections are permitted.

('86 Code, § 3.48) (Am. Ord. 653, passed 6-21-94)

(C) (1) Each and every sewer service charge levied by and pursuant to §§ 53.45 through 53.50 is hereby made a lien upon the lot or premises service, and all charges which are past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in §§ 53.45 through 53.50 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect the amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. The attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances as established by the City Council.

('86 Code, § 3.62)

CHAPTER 54: SOLID WASTE

Section

54.01 Collection service

Cross-reference: