

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 13.08, "SEWAGE SYSTEM," OF THE MUNICIPAL CODE OF THE CITY OF OSKALOOSA, IOWA.

BE IT ENACTED by the City Council of the City of Oskaloosa, Iowa:

SECTION 1. Chapter 13.08 "Sewage System" of the Oskaloosa City Ordinances is hereby amended as follows:

13.08.020 - Definitions.

Following Definition 4 insert the following new definition and renumber the following definitions.

5. "City Engineer" means the person appointed to perform general engineering functions for the city, or any duly authorized representative of the city.

Delete Definition 11 and replace with:

11. "Industrial-commercial wastes" means from industrial-commercial users.

Following Definition 11 insert the following new definition and renumber the following definitions.

12. "Industrial sludge" means any solid, semi-solid or liquid waste generated from an industrial wastewater treatment plant exclusive of the treatment effluent from the wastewater treatment plant.

Delete Definition 14 and replace with:

14. "Normal domestic wastewater" means all household-type waste discharged from places of human habitation, including toilet, bath, kitchen and laundry wastewater. Domestic wastewater is further defined as waste which does not normally exceed 200 mg/l BOD, 250 mg/l suspended solids, 100 mg/l oil and grease, 40 mg/l TKN, and 30 mg/l NH₃-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.17 pounds of BOD, 0.20 pounds of suspended solids, 0.083 pounds of oil and grease, 0.033 pounds of TKN and 0.025 pounds of NH₃-N per capita per day.

Following Definition 19 insert the following new definition and renumber the following definitions.

20. "POTW treatment plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

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Following Definition 21 insert the following new definition and renumber the following definitions.

22. "Publicly Owned Treatment Works (POTW)" means any devices and systems provided by or under the jurisdiction of the city 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.

Delete Definition 31 and replace with:

31. "Slug" or "slug load" means any discharge of water, sewage or industrial waste of a nonroutine, episodic nature, including an accidental spill or a noncustomary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations or permit conditions or which the ~~which in~~ concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the concentration or quantities for normal domestic wastewater as defined in ~~ChapterSection~~ 13.08.020, or allowable concentration or quantities in an industrial user's Treatment Agreement or Pretreatment Agreement, whichever is more stringent. A slug discharge may be measured using a grab or composite sample. Sampling may be by the city with or without the user's knowledge at the routine sampling location or any suitable location determined the city. A discharge with pH outside the allowable range by more than one standard unit (S.U.) shall also be considered a slug.

13.08.031(New) - ~~Excessive discharge~~Dilution prohibition.

Following ~~ChapterSection~~ 13.08.030, insert the following new ~~ChapterSection~~:

13.08.031 - ~~Dilution prohibition~~Excessive discharge.

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 in the Federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the State or City.

13.08.032(New) - Accidental discharge including slug loadings and notice.

Following New ~~ChapterSection~~ 13.08.031, insert the following new ~~ChapterSection~~:

13.08.032 - Accidental discharge including slug loadings and notice.

A. —All industrial users shall immediately telephone the city's wastewater treatment facility to notify them of:

1. ~~All~~ discharges by the industrial user that could cause upset or interference of any treatment process or pass through of such wastes without adequate treatment problems ~~to~~through the municipal facilities, including, but not limited to spills or slug loadings as defined in Article 13.08.020.31.

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2. All discharges by the industrial user that are higher strength than those occurring under normal operating conditions including production and process upsets that are not expected to be fully treated, wasting of solids from treatment systems rather than hauling wastes to the POTW digester facilities or other discharges that are not representative of normal discharge to the POTW sanitary sewer system.

B. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions pursued. Within five (5) days following an accidental discharge, the user shall submit to the city 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 municipal facilities, fish kills or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

C. Increased user charges as well as fines may apply to the treatment of the spill, treatment of higher strength wastes or treatment of other accidentals discharges under this section.

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13.08.033(New) - Compliance with regulations.

Following New Section 13.08.032, insert the following new Section:

13.08.033 - Compliance with regulations.

All users shall comply with all applicable federal, state, or local regulations or permits. For industrial users, this includes all applicable federal pretreatment standards under Title 40, Code of Federal Regulations (CFR), Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403) and relevant provisions of 40 CFR 122 addressing standard conditions applicable to NPDES permitted discharges.

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13.08.060 - Right of entry.

Delete ~~ChapterSection~~ 13.08.060 and replace with the following:

13.08.060 - Right of entry.

A. All duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties including all parts of the premises as often as necessary for the purposes of inspection, observation, measurement, sampling, records examination, records copying and testing in accordance with the provisions of this ~~chapterSection~~. The duly authorized city employees shall have no authority to inquire into any processes including

metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. If a discharger has security measures that require identification and clearance before entry to its premises, the discharger shall make the necessary arrangements to allow access at all reasonable times, without delay, to the duly authorized city employee to enforce this section.

B. The duly authorized city employees shall include the right to set up, on or off the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this article.

C. As necessary to ensure compliance with applicable state, federal and local laws, document production may be requested regarding treatment process and related facility operations that may result in a discharge of pollutants to the City sewer system.

13.08.390 - Restricted discharges - Designated.

Delete ~~ChapterSection 13.08.390~~.J.5. and replace with the following:

5. Wastes with BOD, TSS, oil and grease, TKN and NH₃ concentrations greater than normal domestic wastewater as defined in ~~ChapterSection 13.08.020~~, except that industrial wastes, as defined herein, may be discharged into the public sewer providing that the persons so discharging notify the city engineer in advance thereof, and thereupon fully qualifies and complies with all the terms and provisions of this ~~chaptersection~~ relating to industrial wastes. Wastes in excess of domestic wastewater may only be discharged in accordance with a specific authorization and appropriate payment of surcharges for processing such wastes;

13.08.420 - Collection point for sampling.

Delete ~~ChapterSection 13.08.420~~ - Collection point for sampling, and replace with the following:

13.08.420 - Industrial monitoring facilities.

A. Industrial monitoring facilities are necessary to provide representative and accurate sampling to ensure proper operation of the POTW, protect from upsets and interference, establish appropriate user charges and enable enforcement in appropriate situations.

A.B. All industrial users shall provide, operate and maintain, at the user's expense, monitoring facilities for wastewater influent and/or effluent sampling and flow measurement. The monitoring facility should normally be situated on the user's premises, but the city 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 and located so that landscaping or parked vehicles will not obstruct it.

1. Monitoring facilities shall be located to provide easy access to the city, with or without knowledge of person, where practical.
2. 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

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equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

3. Installation of any monitoring facilities must meet the approval of the city and be constructed in accordance with plans approved by the city.
4. Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications.
5. Construction shall be completed within 90 days following written notification by the city.
6. If monitoring facilities for wastewater influent or effluent sampling or flow measurement are not constructed as required following written notification, the city may install monitoring facilities on private or public properties and charge back associated costs to the user.

~~6.~~

B-C. Samples shall be taken at a frequency and volume determined by the city and shall be properly refrigerated and preserved in accordance with Environmental Protection Agency approved methods. The sample shall be composited in proportion to the flow for a representative 24-hour sample. Time-based sampling may be allowed in special circumstances with written approval of the city.

1. The city shall collect and analyze all samples either in house or using third-party laboratories. The user shall be responsible for all costs associated with sampling in addition to other user charges in Article 13.08.570. Fees for analysis performed by third-party laboratories shall be the full cost of each analysis.
2. Minimum sampling frequency shall be according to the requirements in the city's NPDES Permit for an industrial user.
3. The city may require additional sampling, as often as necessary, to confirm that an industrial user's sampling frequency is representative of daily operations. Additional sampling may be conducted up to seven days a week for a duration determined by the city on a case-by-case basis. If additional sampling shows that a user's sampling frequency may not be representative of daily operations, the city may, at their discretion, increase the required sampling frequency. All costs for the additional sampling or increased sampling frequency shall be the responsibility of the user.

C-D. The city may use sampler lock and/or sampler seal, to detect sample tampering. A user must inform the city prior to breaking a lock or sampler seal unless necessary to prevent loss of life, personal injury, or severe property damage. A user shall not place additional seals or locks upon a sampler which may be used by the city without first obtaining approval from the city.

1. If the user is not agreeable to a sampler lock and/or sampler seal to prevent sampler tampering or is in violation of this requirement, the city shall have the authority to develop and implement a plan for obtaining a representative sample. The city may install a sampling facility on or off the user's property with all expenses being charged back to the user.

E. Falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this permit is a serious violation that can lead to civil and criminal prosecution.

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F. Altering plant operations to affect the volume and/or concentration of the sample being taken is considered a violation of this section as is tampering and/or failure to take a representative sample.

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13.08.570 - User charge.

In ~~Chapter subsection 13.08.570~~.B, delete the surcharge fees and replace with the following below. These are interim fees until an updated cost of service study is completed. A cost of service study should be completed in 2023.

- \$0.65 per pound of BOD
- \$3.80 per pound of TKN
- \$0.70 per pound of SS
- \$0.20 per pound of oil and grease

Following ~~Chapter subsection 13.08.570~~.D, insert the following:

E. Other charges:

1. The fee for sampling a user's discharge shall be \$50.00 per day when using a 24-hour automatic sampler. The fee for subsequent consecutive days or additional days within the same week and for collecting grab samples shall be \$25.00 per day. When a sampling event must be rescheduled due to failure of the user's sampling equipment or due to a sampler seal (used to detect sample tampering) being broken, a trip charge of \$25.00 and a rescheduling fee of \$50.00 shall be assessed. The trip charge fee may be waived if the user informs the city of sampling equipment failure prior to 8:00 a.m. of a scheduled sampling day.
2. Fees for analysis performed by third-party laboratories shall be the full cost of each analysis.

F. Industrial sludge: The charge for users authorized by the city to deliver hauled industrial sludge shall be based on the cost per pound of SS defined in Article 13.08.570.B. There shall be an additional \$50 charge for each truckload delivered.

13.08.580 - Determination of quantity used.

~~13.08.580 - Determination of quantity used.~~ Delete ~~subsection~~ B. and replace with the following:

- B. The volume of flow used in computing wastewater service charges for any person who discharges industrial wastes into the public sanitary sewer shall be based upon a water meter provided and installed by the city or their authorized agent.

1. –An industrial user may request consideration for a reduction in wastewater service charges because of metered water excluded from the sanitary sewer by making a written application to the city for such consideration.
2. The city may, at their discretion, allow or require in situ wastewater flow measurements. Flow measurement facilities shall meet the requirements for monitoring facilities in ~~Chapter~~Section 13.08.420. Where flow measurement devices are required, the city may authorize the quantities shown on the permanently recorded records of such flow measurement devices to be used as the basis of determination of the rate to be paid by the user.
 - a. If the city has substantial evidence that in situ wastewater flow measurements are not representative of actual wastes to the municipal sewer from the industrial user, the city shall provide written notification to the user. The user shall have 90 days to correct the situation. If accurate flow measurements are not provided as required following written notification, the city may install flow measuring equipment on or off the user’s property with all expenses being charged back to the user.
3. All flow monitoring facilities shall be third-party calibrated annually with copies of calibration reports provided to the city. Costs of calibration shall be borne by the user.

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13.08.630 - Extra strength penalty.

Delete this ~~chapter~~section title and rename: “**Extra strength charges and slug load penalties.**”

13.08.630 - Extra strength charges and slug load penalties.

Designate the existing paragraph under this ~~subchapter~~section “A” and add the following new ~~subchapter~~sections A.1. and B. following:

1. Determination of extra strength violations shall be measured using a grab or composite sample. Sampling may be by the city with or without the user’s knowledge at the routine sampling location or any suitable location determined the city.
- B. The fee paid by each industrial user when an accidental discharge or slug load occurs shall be up to \$1,000.00. The fee shall reimburse the city for any costs incurred as a result of the discharge.
- C. The charges under this section are separate from any fines or penalties imposed due to NPDES program violations caused by such discharges which cause or contribute to a violation of the City’s NPDES permit or otherwise violate federal law. Additional measures and penalties might be applied for instances that violate the NPDES permit and federal law.

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13.08.640 - Municipal infraction proceedings

Delete ~~subsection~~Chapter ~~13.08.640-A.3~~ in its entirety.

Delete subsection B. and replace with the following:

B. The city may offer to participate in informal negotiations with the violator. If the violator accepts the offer, the city and the violator shall participate in good faith negotiations to resolve issues alleged to be the basis for the violation.

13.08.730 - Significant noncompliance.

Following ~~Chapter~~Section 13.08.720 insert the following new ~~chapter~~section:

13.08.730 - Significant noncompliance.

A. Any violation of industrial pretreatment requirements under this article (i.e., including but not limited to those relating to limits, sampling, analysis, reporting, meeting compliance schedules, and regulatory deadlines, any instance where substantial evidence exists that tampering with sample monitoring has occurred – as defined in 13.08.420) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of significant noncompliance are industrial user violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits as follows:
 - a. Chronic violations. 66 percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).
 - b. Technical review criteria (TRC) violations. 33 percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period. (e.g., limit x TRC = the point at which a violation becomes a TRC violation). (TRC equals 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
 - c. Any other violation of a wastewater discharge permit limit (average or daily maximum) that the city believes has caused, alone or in combination with other discharges, interference, including slug loads, or pass through or which endangers the health of city or operating contractor personnel or the public.
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.
2. When a user has been notified that they are in significant noncompliance (by the city or regulatory official), the user shall provide a written response to the city within 10 days providing the probable reason for noncompliance and providing a plan of action to come into compliance and prevent similar violations in the future.
 - a. The industrial user shall be liable for enforcement of failure to address significant noncompliance.

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13.08.740 - Revocation of discharge permit and termination of sewer service.

Following new ~~Chapter~~Section 13.08.730 insert the following new ~~chapter~~section:

13.08.740 - Revocation of discharge permit and termination of sewer service.

- A. Any user who violates this article, any condition of its wastewater discharge permit, Pretreatment Agreement or IDNR Treatment Agreement is subject to having its discharge permit revoked and/or its sewer service terminated following written order of the city specifying the grounds for such revocation and termination. The written order shall not take effect until a hearing is held. If after such hearing the city makes a finding based on substantial evidence that violations have occurred as alleged, the city may issue an order immediately revoking the permit, if a permit had been previously issued, and terminating sewer service to the user's premises.
- B. Upon determination by the city that the user's sewer service connection to the POTW be terminated, the city or their authorized representative shall cause the user's connection to the sewer to be severed or plugged. The manner of severance and procedure for disconnection shall be determined by the city or their authorized representative. The city shall forward to the user whose service was disconnected by registered mail return receipt requested, certified mail, or personal service a bill for the cost of making the disconnection, including all costs for labor and materials, and a service charge of \$100.00 for city supervision.

13.08.750 - Emergency disconnection of service.

Following new ~~ChapterSection~~ 13.08.740 insert the following new ~~chaptersection~~:

13.08.750 - Emergency disconnection of service.

The city may, after informal notice, suspend the wastewater discharge permit of, and sewer service to, a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment (e.g., ignitable materials discharge, hazardous waste discharge).

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication by law.

PASSED AND APPROVED this __ day of _____, 202~~3~~2.

David Krutzfeldt, Mayor

ATTEST: _____
Amy Miller, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the
_____ day of _____ 202~~3~~.

Amy Miller, City Clerk

