CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **March 4, 2019**

ITEM: First reading of proposed ordinance to amend Title 7, Chapter 8F, "Industrial Waste."

FINANCIAL IMPACT: None.

BACKGROUND: In January, 2006 the City Council adopted an ordinance regulating industrial and commercial wastewater and hauled waste. The ordinance was adopted area-wide by member cities of the Des Moines Metropolitan Wastewater Reclamation Authority and addressed the pre-treatment and treatment, discharge, permitting and enforcement requirements regarding the discharge of fats, oils and greases.

In 2010 the City Council amended the ordinance to delete schools and correctional facilities and added alcohol establishments (if food is served) to the definition of a Food Service Establishment (FSE).

The proposed amendment to the ordinance currently before the City Council adds additional designations reducing the size of the grease interceptor or trap sizing requirement for intermittent-use Food Service Establishments and commercial kitchens (page 57) and clarifies certain maintenance requirements to ensure that a grease interceptor or trap is functioning properly (page 60).

Area-wide adoption of the ordinance will provide consistency throughout the metropolitan area to the requirements imposed on industrial and commercial establishments regarding wastewater treatment, discharge and enforcement.

OUTSTANDING ISSUES (if any): None.

RECOMMENDATION: It is recommended that the City Council approve the first reading of the proposed amendment to the Ordinance.

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney RJS
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes	No	Split

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE, CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 7, "PUBLIC WAYS AND PROPERTY", CHAPTER 8F, "INDUSTRIAL WASTE"

SECTION I.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Ordinance No.1875 and attachments thereto regulating industrial waste, commercial wastewater and hauled waste adopted by reference by the City Council of the City of West Des Moines on January 30, 2006 is hereby amended by the addition of the highlighted, underlined text and deletion of the highlighted, strike-through text and renumbering subsequent subsections accordingly as set out herein and re-adopted in its entirety as set forth below:

ARTICLE F

REGULATION OF INDUSTRIAL WASTEWATER, COMMERCIAL WASTEWATER AND HAULED WASTE

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SECTION 1. GENERAL PROVISIONS REGARDING INDUSTRIAL WASTE

A. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section except where the context clearly indicates a different meaning:

(1) *Act* or *Clean Water Act* means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.

(2) *Approval authority* means the Iowa department of natural resources.

(3) *Authorized representative* means:

(a) An executive officer of a corporation.

(b) A general partner of a partnership.

(c) The proprietor of a proprietorship.

(d) The conservator, trustee, attorney in fact, receiver or other person or agent authorized in law and in fact to act on behalf of users which are not corporations, partnerships, or proprietorships or on behalf of other entities which must legally act through an agent.

(e) Any other authorized representative of a person or entity identified in subsections (a), (b), (c), or (d) of this definition, if the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company and the written authorization is submitted to the director.

(f) Any other person authorized by law to act on behalf of any entity.

(4) *Baseline monitoring report* means the report required by 40 CFR 403.12(b)(1-7).

(5) *Biochemical oxygen demand (BOD)* means the analysis of BOD as described in Environmental Protection Agency methods.

(6) *Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning three feet outside the building wall.

(7) *Building sewer* or *lateral sewer* means the sewer extending from the building drain to the connection with the POTW.

(8) *Bypass* means the intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

(9) *Carbonaceous Biochemical Oxygen Demand (CBOD)* means the analysis of BOD as described in Environmental Protection Agency methods while inhibiting the nitrogenous oxygen demand.

(10) *Categorical user* means a user subject to National Categorical Pretreatment Standards.

(11) *Chemical oxygen demand (COD)* means the measurement of the susceptibility of a sample to oxidation by a strong chemical oxidant expressed in mg/l and using Environmental Protection Agency methods.

(12) *City* means the political subdivision known as the city of West Des Moines, Iowa) and also means the territory within the corporate boundaries of the city of West Des Moines.

(13) *City sanitary sewer system* or *sanitary sewer system* means the local outfall sewers, trunk sewers, pumping stations, force mains, and wastewater equalization basins, and all other structures, devices and appliances appurtenant thereto, which are used for collecting, conveying or storing wastewater and which serve and are owned, operated and maintained by the city or by a sanitary district serving the city.

(14) *Combined waste stream formula* means the formula as found in 40 CFR 403.6(e).

(15) *Composite sample* means a representative sample using a minimum of three grab sample aliquots obtained over a period of time and mixed using either a flow proportional or time proportional method.

(16) *Conventional pollutant* means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total Kjeldahl nitrogen and fecal coliform bacteria.

(17) *County* means the political subdivisions known as Dallas, Madison, Polk and Warren Counties and also means the territory within the corporate boundaries of Dallas, Madison, Polk and Warren Counties.

(18) *County sanitary sewer system* or *sanitary sewer system* means the local outfall sewers, trunk sewers, pumping stations, force mains, and wastewater equalization basins, and all other structures, devices and appliances appurtenant thereto, which are used for collecting, conveying or storing wastewater and which serve and are owned, operated and maintained by the county or by a sanitary district serving the county.

(19) *Discharge* or *indirect discharge* means the introduction of treated or untreated wastewater into the POTW.

(20) *Dissolved solids* means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using Environmental Protection Agency methods or standard methods.

(21) *Domestic wastewater* means all household-type waste discharged from places of human habitation, including toilet, bath, kitchen and laundry wastewater.

(22) *Domestic wastewater* is further defined as waste which does not exceed daily maximum limits of 300 mg/l COD, 200 mg/l BOD, 250 mg/l suspended solids, 100 mg/l oil & grease, 30 mg/l TKN, and 15 mg/l NH3-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pound of COD, 0.17 pound of BOD, 0.20 pound of suspended solids, 0.083 pound of oil & grease, 0.025 pound of TKN and 0.013 pound of NH3-N per capita per day.

(23) *Domestic user* means a person discharging only domestic wastewater to the POTW, which wastewater is discharges from any building or parts of a building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings and apartment buildings, which building or premises is a source of wastewater discharge into a POTW.

(24) *Environmental Protection Agency* or *EPA* means the U.S. Environmental Protection Agency

(25) *Environmental Protection Agency methods* means standard procedures for wastewater analysis approved by the U.S. Environmental Protection Agency and prescribed in 40 CFR 136, and includes alternate methods approved by the approval authority.

(26) E. Coli *or Escherichia coli* means bacteria that are a member of the fecal coliform group and whose presence indicates fecal contamination in water.

(27) *Fecal coliform* means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.

(28) *Fat, oil, and grease* or *oil and* grease or FOG means those substances which are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

(29) *Garbage* means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

(30) *Grab sample* means a single aliquot sample collected either directly or by means of a mechanical device.

(31) *Headworks* means the main wet well at the WRF prior to any treatment process.

(32) *Industrial user* means a person whose property, building or premises is a source of wastewater discharge into the POTW, other than a domestic user.

(33) *Industrial waste* means the liquid waste from industrial users as distinct from domestic sewage.

(34) *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, which both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and

(b) Causes a violation of any requirement of the WRA's National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any federal, state or local regulations or permits.

(35) *Limit* means the maximum allowable discharge of a given pollutant as in the following definitions:

(a) *Daily maximum limit* or *daily instantaneous maximum limit* means the maximum allowable discharge of pollutant as measured at any time during a calendar day, expressed as either a concentration limit or a daily mass limit. It is a violation if the concentration limit on any single sample taken exceeds that discharge limits in the discharge permit for the user, or the discharge limits set forth in Section 2.C.

(b) *Monthly average limit* means the maximum allowable value for the average of all measurements of a pollutant obtained during one calendar month.

(36) *National Categorical Pretreatment Standards (NCPS)* or *categorical standards* means any limitations on pollutant discharges to POTW promulgated by the U.S. Environmental Protection Agency that apply to specified process wastewater of particular industrial categories.

(37) *National Pollutant Discharge Elimination System (NPDES) permit* means a permit issued pursuant to the Act.

(38) *New source* means a source as defined by 40 CFR 403.3(k).

(39) *Nonconventional pollutants* means all pollutants which are not included in the definition of conventional pollutants.

(40) *NH3-N* means the ammonia nitrogen concentration in mg/l as determined using Environmental Protection Agency methods.

(41) ***O&M means operation and maintenance.***

(41) *Pass through* means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the WRA's National Pollutant Discharge Elimination System permit, including an increase in the magnitude or duration of a violation, or other permit issued to the WRA by the Iowa department of natural resources or the U.S. Environmental Protection Agency.

(42) *Person* means any individual, partnership, co-partnership, firm, company, association, joint stock company, society, corporation trust, estate, municipality, governmental entity, group, or any other legal entity, or their legal representatives, agents, or assigns.

(43) *pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(44) *Pollution* means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.

(45) *POTW treatment plant* means that portion of the publicly owned treatment works which is designed to provide treatment, including recycling and reclamation, of municipal sewage and industrial waste.

(46) *Pretreatment* means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

(47) *Pretreatment facility* means the equipment used to accomplish pretreatment.

(48) *Pretreatment requirements* means any substantive or procedural requirement related to pretreatment standards, imposed on an industrial user.

(49) *Pretreatment standards* means, for any specified pollutant, the prohibitive discharge standards as set forth in Section 2.B of this Article, the specific limitations on discharge as set forth in Section 2.C of this Article, the state pretreatment standards or the National Categorical Pretreatment Standards, whichever standard is most stringent.

(50) *Properly shredded garbage* means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles are

carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half inch in any dimension.

(51) *Publicly owned treatment works* or *POTW* means and includes "POTW" treatment works as defined by section 212 of the Act, and which is owned by the Des Moines Metropolitan Wastewater Reclamation Authority or any of Participating Communities that make up the WRA. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant.

(52) *Sampling chamber* or *sampling maintenance hole* means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this article.

(53) *Severe property damage* means substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(54) *Sewage* means and includes wastewater as herein defined.

(55) *Sewage system* means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage to a point of treatment or ultimate disposal.

(56) *Significant user* means:

(a) All categorical users.

(b) All industrial users that:

(i) Discharge 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling, and boiler blowdown wastewater);

(ii) Contribute a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the WRF; or

(iii) Contribute a discharge that has a reasonable potential, in the opinion of the director, to adversely affect the POTW treatment plant by causing interference or pass through.

(57) *Sludge* means the solids separated from the liquids during the wastewater treatment process.

(58) *Slug* or *slug load* means any discharge of water or wastewater which, in concentration of any pollutant, measured using a grab or composite sample, is more than five times the allowable concentration as set forth in Sections 2.B and 2.C of this Article or in a user's most recent wastewater discharge permit or which exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) ~~or a flow rate in excess of two times the maximum flow limit established in a wastewater discharge permit~~ shall also be considered a slug.

(59) *Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, most recent edition.

(60) *Standard Methods* means the laboratory procedures set forth in the latest USEPA approved edition of Standard Methods for the Examination of Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

(61) *Storm sewer* means a sewer which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.

(62) *T,* when used as a portion of a chemical name, shall designate "total" such as in "cyanide-T" where "T" means "total" cyanide.

(63) *TKN* means the Total Kjeldahl Nitrogen concentration expressed in mg/l as determined using Environmental Protection Agency methods or Standard Methods.

(64) *Total metal* means the sum total of the suspended and dissolved concentrations of a metal specified in a wastewater discharge permit or as specified in Section 2.C hereof.

(65) *Total suspended solids (TSS)* means the portion of total solids retained by a filter using Environmental Protection Agency methods or Standard Methods.

(66) *Total Toxic Organics (TTO)* means the summation of all quantified values greater than 0.01 milligram per liter for the toxic organics as specified in the applicable regulation.

(67) *Toxic Pollutant* means any pollutant or combination of pollutants listed in 40 CFR 403, appendix B.

(68) *Unpolluted Water* means water containing none of the following: free or emulsified oil and grease; substances that may impart taste, odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension or solution; explosive, odorous or otherwise obnoxious gases. Such water shall not contain more than 25 mg/l of suspended solids, and not more than 25 mg/l of BOD.

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

(70) *User* means a person discharging anything other than domestic wastewater into the POTW, and includes categorical users as herein defined.

(71) *Waste hauler* means a private contractor licensed by the WRA to deliver wastewater to the WRF or other locations approved by the WRA director, and includes all persons required to have a license under Section 6.B of this Article.

(72) *Wastewater* means and includes *sewage* as defined in federal law and regulation, or a combination of the liquid and water-carried waste from residences, commercial buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the ~~OTW~~ ***POTW***.

(73) *Wastewater discharge permit* means the document issued to a user by the WRA in accordance with the terms of this article which permits such user to discharge wastewater to the POTW.

(74) *Water of the state* means 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.

(75) *WRA* or *wastewater reclamation authority* means the Des Moines Metropolitan Wastewater Reclamation Authority, an entity organized and existing under Chapters 28E and 28F of the Iowa Code, and established pursuant to the WRA Agreement. The term "WRA" means and includes the representatives of the Participating Communities on the WRA Board, and the officers and employees of the WRA.

(76) *WRA agreement* means the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, approved and executed by the WRA and its Participating Communities and effective as of July 1, 2004.

(77) *WRA director* or *director* means the person appointed by the WRA board, or by the WRA operating contractor upon consultation with the board, as provided in Section 2.63 of the WRA operating contract, who is charged with the administration and management of the WRA system and of the provision of all services outlined in operating contract. Unless otherwise indicated in the text, the director shall mean

and include the person acting as the director's authorized designee in the director's absence in carrying out the director's duties under this Article.

(78) *WRA operating contractor* or *operating contractor* means the city of Des Moines, pursuant to the Initial Operating Contractor executed by the city of Des Moines and the WRA Board on and as of July 1, 2004, or such successor operating contractor as the WRA shall contract with to provide operation and management services to the WRA

(79) *WRA participating community* or WRA *participating communities* means, individually or collectively, depending on context, the cities of Altoona, Ankeny, Bondurant, Clive, Cumming, Des Moines, Johnston, Norwalk, Pleasant Hill, ***Polk City, Waukee*** and West Des Moines, and Polk County, Warren County, the Urbandale Sanitary Sewer District, the Urbandale-Windsor Heights Sanitary District and the Greenfield Plaza/Hills of Coventry Sanitary District, together with any other cities, counties, or sanitary districts that become participating communities under the provisions of the WRA agreement.

(80) *WRA wastewater collection and conveyance system* or *WCCS* means the WRA sanitary sewer interceptors and extensions to same, detention basins, equalization basins, storage facilities, pumping stations, force mains and all related property and improvements.

(81) *WRA wastewater reclamation facility* or *WRF* means the wastewater treatment plant located generally at 3000 Vandalia Road, Des Moines, Iowa, as the same may be expanded or improved in the future, and any other wastewater treatment plants hereafter acquired or constructed and operated by the WRA.

(82) *WRA system* means and includes the WRF, the WCCS, satellite wastewater and CSO treatment facilities hereafter constructed, all real and personal property of every nature hereinafter owned by the WRA and comprising part of or used as a part of the WRA system, and all appurtenances, contracts, leases, franchises and other intangibles of the WRA.

B. ABBREVIATIONS.

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

BETX	Benzene, ethylbenzene, toluene, and xylenes(total)
BOD	Biochemical oxygen demand
BMR	Baseline monitoring report
C	Celsius
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
F	Fahrenheit

FOG	***Fat oil, and grease***
GPD	Gallons per day
IDNR	Iowa Department of Natural Resources
lb/day	Pounds per day
Mgd	Million gallons per day
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards or categorical standards
NH3-N	Ammonia nitrogen
NPDES	National ~~Pollution~~ ***Pollutant*** Discharge Elimination System
O&G	Oil and grease
POTW	Publicly owned treatment works
SCP	Spill control plan
SIC	Standard industrial classification
SNC	Significant noncompliance
RCRA	Resource Conservation and Recovery Act
TCLP	Toxicity characteristic leaching procedure
TFE	Trichlorotrifluoroethane
TKN	Total Kjeldahl nitrogen
TOH	Total organic hydrocarbons
~~TPH~~	~~Total purgeable hydrocarbons~~
TRC	Technical review criteria
TSS	Total suspended solids
TTO	Total toxic organics
USC	United States Code
U.S. EPA	United States Environmental Protection Agency
VPH	***Volatile petroleum hydrocarbons***

C. GENERAL ADOPTION.

The provisions of this article are enacted to aid in the enforcement of the pretreatment regulations set forth in this article and may be placed in a separate portion of the municipal code of any WRA participating community which adopts these provisions. Each WRA participating community by enacting this article designates the WRA and its operating contractor as the enforcement agency under this article. Employees, agents and officers of the WRA and of its operating contractor, while acting to enforce this article for the WRA, are empowered to make such inspections, issue such orders or permits and take such actions within the corporate boundaries of the (city) (county)as are authorized by this article. The WRA or its operating contractor is also authorized to impose and collect all fees or penalties authorized by this article, and are authorized to directly bill and collect from contributors penalties, fees charges and surcharges from all users within the (city) (county). A user's failure to pay any fee, charge, penalty or surcharge is a municipal infraction and shall also be grounds to discontinue sewer service to the user, all as hereafter more particularly provided. The enforcement of this article in the (city) (county) is not dependent upon passage of this article or a similar ordinance by other WRA participating communities.

D. INTENT AND CONSTRUCTION.

This article seeks to implement provisions of the Act, the general pretreatment regulations found at 40 CFR, Part 403 and the Iowa Administrative Code, chapter 567, sections 62.4 and 62.8. This Article is to be construed and applied in accordance with the Clean Water Act amendments, the general pretreatment regulations, the Iowa Administrative Code and the purpose and policy provision set forth in Section 1.E of this Article.

E. PURPOSE AND POLICY.

(1) This article regulates the use of sanitary sewers; private wastewater disposal; the installation and connection of building sewers; and the discharge of wastewater or waste into the POTW. This article sets forth uniform requirements for discharges into the POTW, and the deposit of wastewater and waste hauled to the WRF or to other locations approved by the WRA director for disposal and treatment.

(2) The objectives of this article are to:

(a) To prevent the introduction of pollutants into the POTW that may interfere with the operation of the system or interfere with sludge management and disposal.

(b) Prevent the introduction of pollutants into the POTW that may pass through the system inadequately treated and ultimately into receiving water, the atmosphere, or otherwise be incompatible with the system.

(c) Protect workers' safety and health and protect against damage to the POTW.

(d) Provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.

F. JURISDICTION.

The sections of this Article are applicable in their entirety to all users who contribute wastewater, directly or indirectly, into the POTW without regard to whether the physical facilities of such users are situated within or outside the corporate limits of the city.

G. SEVERABILITY.

If any provision of this Article or the application thereof to any particular person or particular circumstance is held invalid, the invalidity shall not affect other provisions or application of this Article which can be given effect without the invalid provision or application. To this end the provisions of this Article are severable.

H. INTERPRETATION.

This Article shall be construed and interpreted to conform with 40 CFR I, and it is the intent of this Article that it comply with the federal regulations.

I. RESERVED.

SECTION 2. INDUSTRIAL WASTEWATER TREATMENT AND PRETREATMENT

A. USER REQUIREMENTS.

(1) The following requirements shall apply to all users of the POTW:

(a) All users shall promptly notify the WRA director in advance of any substantial change in the volume or character of pollutants in their discharge.

(b) New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the WRA director.

(c) Industrial users shall notify the WRA director, the Environmental Protection Agency Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p).

(d) Discharge of any pollutants without the notice and approval required by this subsection is prohibited. Upon the receipt of notice required by this subsection, the WRA director shall within 180 days or less approve the discharge if he or she finds the proposed discharge meets applicable pretreatment standards and requirements and would not cause the WRA to violate its National Pollutant Discharge Elimination System permit. The WRA director shall deny permission for the discharge if he or she finds applicable pretreatment standards and requirements are not met or the discharge would cause a violation of the National Pollutant Discharge Elimination System permit for the WRF. In lieu of denial of permission for discharge, the WRA director may allow such discharge or contribution upon conditions which would not violate applicable pretreatment standards or requirements and would not cause a violation of the National Pollutant Discharge Elimination System permit for the WRF.

(e) Food Service Establishments shall be regulated first under Section 5 of this ordinance but may be required to obtain a wastewater discharge permit and be subject to the requirements of Sections 1 through 4, inclusive, if the WRA Director determines that additional pretreatment is required in order to comply with Fat, Oil, & Grease discharge limits.

(2) Any part of this subsection notwithstanding, upon receipt of the notice required by this subsection, the WRA director may require, in addition to the requirements of this subsection, that an industrial user obtain a permit under this article.

(3) Users who are determined to be industrial users as herein defined and who refuse to apply for or obtain a wastewater discharge permit shall be subject to termination of sewer services as provided in Section 4.G hereof.

~~(C91, § 21-83; O.11, 716)~~

B. DISCHARGE PROHIBITIONS.

The following general prohibitions shall apply to all users of the POTW unless the user is subject to a more restrictive National Categorical Pretreatment Standards, the Iowa Department of Natural Resources, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

(a) Pollutants creating a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods referenced in 40 CFR 261.21. Waste streams shall not be ignitable at ambient temperatures. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW or at any point in the POTW, be more than five percent nor any single reading greater than ten percent.

(b) Any substance which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 12.0.

(c) Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include but are not limited to grease, garbage with particles greater than one-half inch any dimension, animal 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, ***wipes,*** spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, or tumbling and de-burring stones, and wastewater containing fat, wax, O&G, or other substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius).

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference or pass through at the WRF or which constitutes a slug load as defined in this article.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a

temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) at the point of introduction into the POTW, and in no case wastewater or vapor which alone or in concert with other discharges produces a temperature at the WRF greater than 104 degrees Fahrenheit (40 degrees Celsius).

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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

(h) Any trucked or hauled pollutants, except at discharge points designated by the WRA.

(i) Radioactive wastes unless they comply with Atomic Energy Commission Act of 1954 (68 Stat. 919 as amended and part 20, subpart D, Waste Disposal, section 20.303 of the regulations issued by the Atomic Energy Commission, or amendments thereto).

(j) Any wastewater containing concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate, which exceed 3,000 mg/l nonvolatile or 3,000 mg/l total dissolved solids unless approved by the WRA director.

(k) Pollutants causing excessive discoloration, such as but not limited to dye waste and vegetable tanning solutions.

C. LOCAL LIMITS FOR SPECIFIC POLLUTANTS.

(1) *Generally.* Local limits for specific pollutants discharged pursuant to this article shall be as follows:

(a) *Dilution.* Dilution of the discharge from a pretreatment facility or from a regulated process is prohibited as a method for treatment of wastes in order to meet the limits set forth in this article.

(b) *Sample location.* Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the WRA director. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.

(2) *Headworks limits; average mass.* The average composite loading of all industrial users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and nonindustrial sources may be adjusted by the director provided that the allowable total loading for any pollutant at the headworks of the WRF is not exceeded.

	30-Day Average Allowable Pounds/Day	
Pollutant	Total	Industrial
BOD	195,600	135,153
TSS	300,400	208,463
NH3	13,000	6,959
TKN	27,760	16,950

	Maximum Allowable Headworks Loading Pounds/Day	**Maximum Allowable Industrial Loading** Pounds/Day
Pollutant	Total	Industrial
Arsenic-T	~~4.24~~ ***7.58***	~~3.87~~ ***3.81***
Cadmium-T	~~2.71~~ ***3.65***	~~2.54~~ ***2.16***
Chromium-T	~~170.12~~ ***136.35***	~~159.92~~ ***120.90***
Copper-T	~~83.03~~ ***148.56***	~~60.85~~ ***125.51***
Cyanide-T	~~20.80~~ ***17.08***	~~18.77~~ ***8.28***
Lead-T	~~15.74~~ ***28.17***	~~13.59~~ ***20.94***
Mercury-T	~~0.63~~ ***0.999***	~~0.59~~ ***0.747***
Nickel-T	~~48.47~~ ***87.27***	~~45.80~~ ***75.75***
Silver-T	~~32.51~~ ***23.30***	~~30.38~~ ***19.77***
Zinc-T	~~201.54~~ ***360.59***	~~158.34~~ ***283.53***

(3) *Discharge concentration limits and review criteria.* Discharge concentration limits and review criteria shall be as follows:

(a) The discharge into the POTW of any materials, water or waste having a pollutant concentration greater than the limits in (3)(c), (d), and (e) of this subsection or containing pollutants not listed in this subsection shall be subject to the review and approval of the WRA director. After review of the proposed discharges, the WRA director may:

(i) Reject the waste for reasons consistent with Section 1.E of this article.

(ii) Require pretreatment to an acceptable pollutant concentration for discharge to the POTW.

(iii) Require control of the quantities and rates of discharge of the water or waste.

(iv) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.

(v) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the WRF.

(vi) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.

(vii) Require the user to meet local limits when local limits are more restrictive than National Categorical Pretreatment Standards, provided that headworks loading limits are met.

(viii) Initiate enforcement action in response to any noncompliance with this Article using the enforcement procedures outlined in this Article.

(ix) Take any combination of the steps in subsections (3)(a)(i) through (3)(a)(vii), as appropriate.

(b) Users discharging wastewater to the ***POTW*** whose pollutant concentrations or flows are greater than the following shall be considered industrial users for purposes of sewer charges and may be regulated or permitted by the WRA director as appropriate:

	Pollutant	Daily Maximum (mg/l)
I.	BOD	200
II.	TSS	250
III.	COD	300
IV.	O&G-T	100
V.	TKN	30
VI.	NH3-N	15
VII.	An average daily flow greater than 5,000 gallons or having an unusual concentration of flow ~~constituting a slug load, as defined in this article~~.	

(c) Pollutant limits. Average and maximum concentration limits for users without National Categorical Pretreatment Standards for these pollutants shall be as follows:

Pollutant	Daily Maximum (mg/l)	Monthly Average (mg/l)
Arsenic-T	~~0.39~~ ***0.38***	~~0.26~~ ***0.25***
Cadmium-T	~~0.15~~ ***0.08***	~~0.10~~ ***0.05***
Chromium-T	~~13.33~~ ***6.43***	~~8.89~~ ***4.29***
Copper-T	~~3.44~~ ***10.21***	~~2.29~~ ***6.80***
Cyanide-T	~~1.25~~ ***0.53***	~~0.83~~ ***0.36***
Lead-T	~~0.61~~ ***1.43***	~~0.41~~ ***0.95***
Mercury-T	~~0.03~~ ***0.042***	~~0.02~~ ***0.028***
Nickel-T	~~4.20~~ ***7.22***	~~2.80~~ ***4.81***
O&G-T	400.0	--
O&G-Mineral	100.0	--
Silver-T	~~3.04~~ ***1.30***	~~2.03~~ ***0.87***
~~TPH~~ ***VPH***	10.0	--
Zinc-T	~~5.99~~ ***19.64***	~~3.99~~ ***13.09***

pH range shall be not lower than 5.0 or greater than 12.0.

Temperature (liquids or vapors) shall be not greater than 150 degrees Fahrenheit at the point of entry into the POTW.

(d) Daily maximum pollutant limits for ~~waste haulers~~ ***hauled waste***. Wastes delivered to the WRF by truck or rail shall not exceed the following ~~maximum~~ concentrations in any load ***or overall daily loading limits unless otherwise approved by the WRA Director***:

Pollutant	***Concentration*** (mg/l)	***Loading (pounds/day)***
COD	100,000	~~--~~
O&G-T	50,000	~~--~~
VPH	***10.0***	~~--~~
Arsenic-T	~~0.04~~ ~~--~~	***0.014***
Cadmium-T	~~2.70~~ ~~--~~	***0.93***
Chromium-T	~~72.0~~ ~~--~~	***24.74***
Copper-T	~~69.0~~ ~~--~~	***23.71***
Cyanide-T	~~0.75~~ ~~--~~	***0.29***
Lead-T	~~19.5~~ ~~--~~	***6.70***
Mercury-T	~~0.35~~ ~~--~~	***0.12***
Nickel-T	~~10.8~~ ~~--~~	***3.71***
Silver-T	~~--~~	***0.26***
Zinc-T	~~255.0~~ ~~--~~	***87.62***

~~TPH~~	~~10.0~~	

pH range shall be not lower than 5.0 or greater than 12.0.

(e) Daily maximum limit for gasoline cleanup projects. Discharge of wastewater from sites where gasoline is being removed from the soil or groundwater shall meet the following limits prior to discharge to the POTW:

Pollutant	mg/l
Benzene	0.050
BETX	0.750

(4) No subsection shall be construed to provide lesser discharge standards than are or that may be imposed and required by U.S. Environmental Protection Agency or the Iowa department of natural resources, nor to allow the average allowable total loading for any pollutant at the headworks of the WRF to be exceeded.

D. NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 CFR I, subchapter N, part 405-471 shall comply with the standards and applicable reporting requirements under 40 CFR 403.12. New sources of categorical discharge shall meet National Categorical Pretreatment Standards in the shortest feasible time, but in no case longer than 90 days from the commencement of discharge. Failure to comply shall be a violation of this article and subject the user to enforcement action. The WRA is required to notify all known affected categorical users of the applicable reporting requirements under 40 CFR 403.12. Failure of the WRA to notify a user shall not relieve the user of the duty, if any, to comply with National Categorical Pretreatment Standards.

E. STATE REQUIREMENTS.

State of Iowa requirements and limitations on discharges pursuant to this Article shall apply when they are more stringent than U.S. Environmental Protection Agency or WRA requirements and limitations unless allowed by the Iowa department of natural resources.

F. CITY'S RIGHT OF REVISION.

The City, acting at the direction of the WRA, reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this Article if deemed necessary to comply with the purpose and policy objectives presented in section 1.E of this Article.

G. PRETREATMENT.

(1) A user discharging or with potential to discharge any waste into the POTW as set forth in Section 2.B, 2.C or 2.D of this Article shall be required by the WRA director to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:

(a) Reduce the objectionable characteristics or constituents of wastewater to within the maximum limits provided for in Sections 2.B, 2.C, 2.D and 2.E of this Article.

(b) Control the quantities and rates of discharge of such wastewater.

(c) Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit.

(d) Prevent the discharge of liquid waste containing FOG, sand in excessive amounts, any flammable waste, or other harmful pollutants. All traps or similar devices shall be of a type and capacity needed to perform effectively and shall be readily and easily accessible for cleaning and inspection. All traps or devices shall be provided and maintained in efficient operating condition at all times. Materials removed from traps shall be considered unacceptable for disposal at the WRF unless specifically approved by the WRA director.

(2) All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the WRA director prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, chapters and laws, including local zoning regulations. The review and approval of such plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the WRA director under this article. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the WRA director prior to the user's initiations of the changes.

(3) Users shall continuously maintain all pretreatment facilities required by this article in satisfactory and effective operating condition at the sole expense of such user.

(4) No section contained in this article shall be construed to prevent or prohibit a separate or special agreement between the WRA and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted for treatment, subject to additional payment by such user; provided, however, that such agreement shall have the prior approval of the WRA Board, shall not conflict with the Iowa department of natural resources and U.S. Environmental Protection Agency requirements, and shall be consistent with ~~subsection 2.C(2)~~ ***Section 5.M*** and Sections 2.D and 2.E of this Article, and subsection (6) of this subsection.

(5) The WRA director may reject any waste which, in the opinion of the director, may cause interference or pass through.

(6) Users shall obtain the specific approval of the WRA director prior to discharging any waste resulting from a pretreatment facility to the POTW. The WRA director may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this subsection shall include waste generated as a result of pretreatment processes used to comply with National Pollutant Discharge Elimination System permits, air pollution permits, wastewater discharge permits, soil/groundwater reclamation processes, and pollutants resulting from a spill of any liquid or solid material or the cleanup of any such spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by the Iowa department of natural resources.

H. DILUTION PROHIBITED.

Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the WRA or its Operating Contractor.

I. SPILL CONTAINMENT.

(1) Users having the ability to cause interference or pass through or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be constructed, installed, operated and maintained at the user's sole cost and expense.

(2) Users meeting the criteria in subsection ***I***(1) ***of this section*** shall develop a spill containment plan. The plan shall require the approval of the WRA director and shall contain the following:

(a) A description of discharge practices, including non-routine batch discharges.

(b) A description of stored chemicals.

(c) Procedures for immediately notifying the WRA of slug discharges, including any that would violate the discharge prohibitions in Section 2.B of this Article. Notification procedures shall comply with subsections (3) and (4) of this subsection.

(d) A description of procedures and structures necessary to prevent adverse impacts upon the POTW from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading

and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

(e) A schedule for the completion or implementation of necessary procedures and structures. Complete implementation and installation of any procedures or structures shall be according to the shortest possible schedule, but in no case longer than one year. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify and operate its facility as necessary to meet the requirements of this article.

(3) Users shall immediately telephone and notify the WRA of any accidental or deliberate discharge of pollutants which violates section 2.B of this Article or which is a slug load. Any discharge into the POTW of a substance which is a listed or characteristic waste under section 3001 of RCRA must be immediately reported to the U.S. Environmental Protection Agency Regional Director, the Iowa department of natural resources, and the WRA. Notifications required in this subsection shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.

(4) Users shall submit a written report to the WRA director within five days following such an accidental or deliberate discharge describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Users shall submit follow-up reports as may be required by the WRA director. Such report shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such report relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the city, result in the revocation of the discharger's wastewater discharge permit.

(5) Users shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the user's pretreatment facility is reduced, lost or fails.

(6) Users required to have a spill containment plan must permanently post a notice in English and the language of common use on the user's bulletin board or other prominent place advising employees whom to call if a prohibited discharge occurs. Users shall ensure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

J. TREATMENT UPSETS.

Users shall inform the WRA director within one hour of becoming aware of an upset in operations that places it in a temporary state of noncompliance with the pollutant limits in this article. Users shall provide a follow-up written report to the WRA director within five days. The report must demonstrate that the pretreatment facility was being operated in a prudent and appropriate manner and shall contain:

(a) A description of the upset, its cause, and impact on the user's compliance status.

(b) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

K. TREATMENT BYPASS.

(1) Under this article, bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime.

(2) The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to ensure efficient operation.

(3) Notification of bypass shall be submitted in accordance with the following:

(a) Anticipated bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the WRA director.

(b) Unanticipated bypass. The user shall immediately notify the WRA director and submit a written report to the WRA within five days. This report shall specify the following:

(i) A description of the bypass, its cause, and the duration.

(ii) Whether the bypass has been corrected.

(iii) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

(4) Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in Section 2.G of this Article.

L. FEES.

To provide for the recovery of costs from users of the POTW and for the implementation of the pretreatment program established by this article, the following fees are hereby established and shall be applicable to discharges by all users:

(a) All users shall be subject to the following fees and charges:

(i) The wastewater discharge permit application fee shall be $200.00 for a class A permit, $100 for a class B permit, and $100 for a soil/groundwater remediation permit.

(ii) The annual fee for a class A wastewater discharge permit shall be $1000.00.

(iii) The annual fee for a class B wastewater discharge permit shall be $400.00.

(iv) 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 WRA for any costs incurred as a result of the discharge.

(v) 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 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 WRA of sampling equipment failure prior to 8:00 a.m. of a scheduled sampling day.

(vi) Laboratory analysis fees for those analyses performed by the WRA shall be as follows:

LABORATORY ANALYSIS
FEES

Test	Cost/Sample
BOD	$ 20.00
COD	20.00
Total Organic Carbon (TOC)	20.00
TSS	10.00

pH		5.00
Oil and grease		
	Total	35.00
	Mineral/nonmineral	35.00
Nitrogen, ammonia		15.00
Nitrogen, nitrate		15.00
TKN		30.00
Phosphorous, total		25.00
Potassium		12.00
Calcium carbonate equivalent		15.00
Soil analysis, each pollutant		20.00
Phenols		28.00
Cyanide		30.00
Metals:		
	Arsenic	20.00
	Selenium	20.00
	Mercury	25.00
	Other metals (per parameter)	15.00
	BETX (OA-1)	40.00
	~~TPH~~ ***VPH*** (OA-1)	40.00
	BETX & ~~TPH~~ ***VPH*** (OA-1)	45.00
USEPA Tests:		
	608 Organochlorine Pesticides & PCBs	70.00
	624 Volatile Organic Compounds	140.00
	625 Base/Neutral Organic Compounds and/or	290.00
	625 Acid/Organic Compounds	290.00

(vii) Fees for analysis performed by laboratories other than the WRA laboratory shall be the full cost of each analysis.

(viii) Fees for annual or biannual inspections of permitted users shall be $100.00 for those holding a class A permit and $50.00 for those holding a class B permit.

(ix) Fees for copying and mailing documents shall be $1.00 for the initial page and $0.25 for each additional page plus postage. No charges shall be assessed for requests for copies received from individuals or agencies served by the WRA, provided the number of pages requested does not exceed ten.

(x) Fees for past due reminders sent each 30 days that a balance remains unpaid shall be $5.00.

(xi) Prohibitive waste charges for each pollutant discharged in excess of permit or ordinance limits shall be $25.00 per day for class B permit holders and $50.00 per day for class A permit holders. High strength charges shall double if discharges are slug loads. Payment of fees does not preclude other enforcement action and may not be paid in lieu of compliance with discharge limitations.

(xii) ~~Fees for inspection of a Food Service Establishment grease trap or interceptor shall be $50.00 per visit~~ ***Fees for inspection of a food service establishment as defined in section 5 of this article, regulation of fats, oils, and grease discharge by food service establishments, shall be $50 per visit***.

(b) All users contributing wastewater in excess of the following concentrations shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

Pollutant	Surcharge (per pound)
Suspended solids in excess of 250 mg/l	$0.16
BOD or CBOD in excess of 200 mg/l	0.11
TKN in excess of 30 mg/l	0.61
Oil and grease in excess of 100 mg/l	0.06

Chemical oxygen demand (COD) in excess of 300 mg/l may be used at the discretion of the WRA director in lieu of CBOD. In such case the excess COD concentration shall be multiplied by the known CBOD/COD ratio or by a ratio of two-thirds to establish an equivalent CBOD concentration.

Ammonia nitrogen (NH3-N) in excess of 15 mg/l may be used at the discretion of the WRA director in lieu of TKN by multiplying the excess NH3-N concentration times two to establish an equivalent TKN concentration.

(c) The establishment and imposition of new or different fees or charges, in addition or in substitution for those provided above in this subsection, shall be by ordinance amending this chapter. The amounts of the fees and charges established in this subsection shall be and remain in effect until such time as the WRA Board shall by resolution revise said fee amounts. Said revised fees and charges shall take effect after the board causes said resolution to be sent to this (city council)(board of supervisors) and

thereafter causes same to be published in a newspaper of general circulation in each county in which participating communities are located.

M. RESERVED.

SECTION 3. INDUSTRIAL WASTEWATER DISCHARGE PERMITS AND REPORTING REQUIREMENTS

A. CLASSES OF PERMITS.

Discharge permit classifications shall be as follows:

(a) Class A permit issued to a user discharging 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling, and boiler blowdown).

(b) Class B permit issued to a user discharging less than 25,000 gallons per day of process wastewater.

B. PERMIT REQUIREMENTS.

(1) All new industrial users shall notify the WRA director of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the WRA shall be used for this purpose.

(2) Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the WRA director. Obtaining a wastewater discharge permit does not relieve a user of the obligation to obtain other permits required by federal, state, or local law.

(3) Other users, including waste haulers, shall obtain permits as required by the WRA director.

C. PERMIT APPLICATIONS; BASELINE MONITORING REPORTS.

Users applying for a wastewater discharge permit or submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the WRA director:

(a) Users applying for a wastewater discharge permit must submit an application form prescribed by the WRA and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge. Existing users subject to new National Categorical Pretreatment Standards must, within 180 days after the effective date of the standard, submit such an application. The following information is required:

(i) Name, address, and location of the facility, if different from the mailing address.

(ii) The name of a person or agent authorized to accept legal service of process.

(iii) Standard industrial classification (SIC) code of both the industry as a whole and any processes for which National Categorical Pretreatment Standards have been promulgated and a list of any environmental control permits held by or for the facility.

(iv) Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards with sampling and analysis performed in accordance with Environmental Protection Agency approved methods, and meeting the following requirements:

a. The user shall identify the pretreatment standards applicable to each regulated process if the user is a categorical user.

b. All samples shall be representative of daily operations.

c. A minimum of four grab samples, if required, must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants required, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The WRA director may waive flow-proportional composite sampling for any user who demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional techniques or through a minimum of four grab samples where the user demonstrates that such sampling will provide a representative sample of the effluent being discharged.

d. Where the flow of the stream being sampled is less than or equal to 250,000 gallons per day, the user must analyze three samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 gallons per day, the user must analyze six samples within a two-week period.

e. Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists and prior to mixing with other waste. If non-regulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentrations or mass limit has been calculated in

accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the WRA director. Users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW.

f. The WRA director may allow the submission of an application which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment.

g. A statement indicating the time, date and place of sampling, methods of analysis, and certifying that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW shall accompany each application/baseline monitoring report unless such sampling and analysis was performed by the city.

(v) Time and duration of all discharges.

(vi) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any.

(vii) Description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW.

(viii) The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram which indicates all points of discharge to the POTW. All plans must be certified for accuracy by a professional engineer registered in the state.

(ix) Each product produced by type, amount, process and rate of production.

(x) Type and amount of raw materials processed (average and maximum per day).

(xi) Number and type of employees and hours of operation and proposed or actual hours of operation of the pretreatment facility.

(xii) A statement, reviewed by an authorized representative of the user, as defined in Section 3.M of this Article, and certified to by a professional engineer registered in the state, indicating whether

pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance or additional pretreatment is required for the user to meet pretreatment standards and requirements.

(xiii) If additional pretreatment or O&M will be required to meet pretreatment standards or requirements, the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such schedule shall include, where applicable, but shall not be limited to dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations.

b. No increment referred to in subsection (a)(xiii)a. of this subsection shall exceed nine months, nor shall the total compliance period exceed 18 months.

c. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the WRA director, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the WRA director.

(xiv) If additional pretreatment and/or operation and maintenance will be required to meet the limits on discharge into the POTW set forth in Section 2.B, 2.C, 2.D of this Article, or any other limits set by the WRA director, a plan shall be provided by the user giving the shortest schedule by which the user will provide the needed equipment, operation, or maintenance changes and additions to meet such limits. The completion date in this schedule shall not be later than the compliance date established for the National Categorical

Pretreatment Standards. For a compliance schedule for meeting National Categorical Pretreatment Standards the following condition shall apply:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the applicable National Categorical Pretreatment Standards. Such schedule shall include, where applicable, but not be limited to dates for the hiring of an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction and completing construction.

b. No time increment in the schedule may exceed nine months.

c. No later than 14 days after each date in the schedule and the final date for compliance, the user shall submit a progress report to the WRA director stating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. In no case shall more than nine months elapse between such progress reports to the WRA.

(xv) Any additional information required by the WRA director to evaluate a permit application.

(b) All applications and reports must contain the certification statement and be signed in accordance with Section 3.M of this Article.

D. REPORT ON COMPLIANCE BY CATEGORICAL INDUSTRIES.

Users subject to National Categorical Pretreatment Standards shall submit a report to the WRA director containing the information described in subsections 3.C(a)(iii), (a)(iv), (a)(v) and (a)(xi) of this Section within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards or, if a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's longterm production rate. For all other users subject to National Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with section 3.M of this Article.

E. PERMIT CONTENTS.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the WRA director to prevent pass through or interference; protect the quality of the water body receiving effluent from the POTW; protect worker health and safety; facilitate the WRA's sludge management and disposal program; protect ambient air quality; and protect against damage to the POTW. The WRA director may include the following items in the permit, and such additional items as the director determines necessary or prudent:

(a) Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization.

(b) Limits on the average or maximum concentration, mass, or other measure of identified wastewater constituents or properties.

(c) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.

(d) Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or prohibited discharges.

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(f) Requirements for installation and maintenance of inspection, sampling, and flow monitoring facilities and equipment for each separate discharge into the POTW.

(g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(h) Compliance schedules.

(i) Requirements for submission of technical reports or discharge reports and which may include production data.

(j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the WRA director and affording the director or the director's representatives access thereto.

(k) Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to such change. The WRA director shall approve, deny or condition a changed discharge prior to a change occurring in accordance with subsection 2.A(1)~~(a)~~***(d)*** of this Article.

(l) Requirements for notification of excessive, accidental, or slug discharges.

(m) Other conditions as deemed appropriate by the WRA director to ensure compliance with this article, and state and federal laws, rules, and regulations.

(n) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.

F. PERMIT DURATION AND RENEWAL.

Permits required under this Section shall be issued for a specified time period, not to exceed five years. Permit fees shall be due annually to the WRA regardless of the term of the permit. Permitted users shall apply for a new permit by submitting a completed permit application a minimum of 90 days prior to the expiration of the user's existing permit.

G. CONTINUATION OF EXPIRED PERMITS.

Expired permits issued pursuant to this Section shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the WRA director.

H. PERMIT MODIFICATIONS.

(1) The WRA director may modify the permit issued pursuant to this Section for good cause, including but not limited to the following:

(a) To incorporate any new or revised federal, state, or local pretreatment standard or requirement. After becoming aware of more stringent standards or requirements, the WRA will, as necessary, update permits within 90 days;

(b) To make material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;

(c) To make a change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Upon receipt of information indicating that the permitted discharge poses a threat to the POTW, to (city)(county), WRA or operating contractor personnel, or to the receiving water;

(e) Upon occurrence of a violation of any terms or conditions of the permit;

(f) Misrepresentation of, or grant of variance from, such categorical standards pursuant to 40 CFR 403.13;

(g) To correct typographical or other errors in the permit;

(h) To reflect transfer of ownership or operation of the permitted facility to a new owner or operator; or

(i) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

(2) The filing of a request by the permittee for permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance shall not have the effect of staying or delaying the implementation or effective date of any permit condition.

I. PERMIT TRANSFER.

An industrial wastewater discharge permit is not transferable to any other person or entity. A new owner or operator must apply for a new wastewater discharge permit 60 days prior to taking ownership or undertaking operation of a permitted facility.

J. DENIAL OF PERMIT.

The WRA director may deny a wastewater discharge permit to any user whose discharge of material to the POTW, whether shown upon application, including test results submitted by the applicant, or determined after inspection or testing conducted by the WRA or its operating contractor, is not in conformity with this article or whose application is incomplete or does not comply with the requirements of Section 3.C of this Article.

K. PERMIT VIOLATIONS.

Any violation of the terms, conditions, or limits of a user's wastewater discharge permit shall be deemed a violation of this article and shall subject the user to all enforcement procedures outlined in this article.

L. PERIODIC COMPLIANCE REPORTS.

Under this Section, periodic compliance reports are required as follows:

(a) Significant users shall submit to the WRA director, during the months of January and July, a report indicating the nature, concentration, and flow of pollutants in the effluent which are limited by permit or pretreatment standards for the preceding six-month period. This report shall include a record of the monthly average flows and the daily flow for each analysis

date during the reporting period. At the discretion of the WRA director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the WRA director may agree to alter the months during which the reports are to be submitted. More frequent reports may be required by the WRA director.

(b) The WRA director may impose mass limitations on users. In such cases, the report required by subsection ~~I~~ ***L***(a) of this ~~subsection~~ ***section*** shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analyses shall be performed using Environmental Protection Agency approved methods using sampling techniques approved by the Iowa department of natural resources.

(c) Users shall meet the certification and signatory requirements in Section 3.M of this Article for each report submitted under this subsection. Where the WRA itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.

(d) A user must notify the WRA director of all violations identified as a result of self-monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the user becomes aware of such violation. The user must also submit the results of repeat analyses to the WRA within 30 days after becoming aware of the violation, together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:

(i) The WRA performs sampling of the industrial user at a frequency of at least once per month; or

(ii) The WRA performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(e) A user who monitors any pollutant more frequently than required by the WRA or who self-monitors in addition to WRA monitoring, using Environmental Protection Agency methods or standard methods, shall report the monitoring results to the WRA director in accordance with subsections ~~I~~ ***L***(a), ~~(b)~~ ***(c)*** and (d) of this ~~subsection~~ ***section***.

M. CERTIFICATION AND SIGNATORY REQUIREMENTS.

(1) All applications or reports submitted by a user pursuant to this section shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure

that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) All applications and reports shall be signed by an authorized representative of the user as defined in section 1.A of this Article. A user shall maintain a current and accurate authorization on file with the WRA director.

N. MONITORING FACILITIES.

(1) When required by the WRA director pursuant to this Section, each permitted user shall at its expense provide and operate monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems. The WRA director may require the placement of such monitoring facilities at the end of each process where pollutants are used, produced, or treated. The monitoring facility should normally be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.

(2) When required by the wastewater discharge permit and within 90 days of written notification, a user shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specification approved by the WRA director. A user shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Each user shall at its expense maintain all sampling and measuring equipment in a safe and proper operating condition at all times, which equipment shall be safely, easily and independently accessible to authorized representatives of the WRA. Users shall certify all flow measuring devices to be in proper working condition at a frequency specified in the permit or in writing by the WRA director, using a qualified technician acceptable to the WRA director. Sampling shall be in accordance with the following:

(a) Each sampling chamber shall contain a flume unless another device is approved by the WRA director, with a recording and totalizing device for measurement of the liquid quantity.

(b) At the discretion of the WRA director, metered water supply to a user may be used as the volume quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the director is made in the metered water supply to determine the liquid waste quantity. Separate meters may be used to subtract water which is not discharged to the POTW or is discharged to a sewer other than the sampled location.

(c) Samples shall be taken at a frequency and volume determined by the WRA director 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. A time proportioned 24-hour sample may be used if flow proportioned sampling is determined by the WRA director to be impractical. Grab samples shall be used where appropriate.

(3) A user must inform the WRA director prior to breaking a sampler seal, used by the WRA to detect sample tampering, 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 WRA without first obtaining approval from the WRA director.

O. INSPECTION, SAMPLING AND RECORDKEEPING AUTHORITY.

Under this Section, users shall be deemed to have given the following authorities to the WRA and its operating contractor:

(a) Users shall permit authorized representatives or agents of the WRA to enter upon all properties and all parts of the premises, or upon properties of users with wastewater discharge permits, for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on 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.

(b) Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, WRA or operating contractor personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(c) All users subject to any of the reporting requirements of this article shall maintain copies of reports and records of all information as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this article for a minimum of three years and shall make such records available for inspection and copying by the WRA and it operating contractor. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

P. CONFIDENTIAL DOCUMENTS, DATA AND INFORMATION.

(1) Except as provided in this subsection, documents, data and information obtained from user reports, questionnaires, permit applications and inspections pursuant to this Section shall be made available to the public or other governmental agencies without restriction. If the user specifically requests and is able to demonstrate that the release of such information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the user or would give advantage to competitors and serve no public purpose, the WRA director may determine that such information should be kept confidential and not made available for public examination, but such information shall be available to the U.S. Environmental Protection Agency or the Iowa department of natural resources.

(2) Decisions by the WRA director to deny confidential status for information may be appealed using the procedures in Section 3.Q of this Article. In determining whether information is confidential, the provisions of Iowa Code chapter 22 shall prevail.

(3) Effluent data and enforcement actions by the WRA or its operating contractor will not be considered confidential records or information.

Q. APPEAL OF DENIAL OF CONFIDENTIAL STATUS.

(1) Any person aggrieved by the WRA director's decision to release information or data obtained as provided in subsection 3.P(1) of this Section and who can demonstrate a direct and substantial interest in the information or data sought to be kept confidential may appeal the WRA director's decision. A request for appeal shall be filed in writing with the WRA director not less than five days after the WRA director's decision to deny confidential status to such information or data. The appeal request shall include a statement of the basis upon which the request for confidential status is made, as well as the appealing party's interest in the information or data sought to be kept confidential. The WRA director may request additional information from the appealing party.

(2) Based upon the information provided by the appealing party, the WRA director shall make a determination with respect to the confidentiality of the information or data at issue. The WRA director shall notify the parties, in writing, of the WRA director's decision within 7 days after receipt of the appeal.

(3) If still aggrieved by the WRA director's determination on appeal, a party may file an action in Polk County district court, seeking a declaratory ruling with respect to the confidentiality of such documents, data and information, or seeking an injunction to prevent the disclosure of same.

(4) During the pendency of an appeal to the WRA director, the documents, data or information at issue shall be kept confidential. However, if during the pendency of such appeal, a request for examination or copying of such documents, data or information is made of the WRA or its operating contractor pursuant to I.C. ch. 22,

the WRA or its operating contractor will notify the appealing party of such request for disclosure and will keep confidential the requested documents, data or information, pending action by the appealing party to defend its confidentiality request. In that notification, the appealing party requesting confidentiality will be given not more than 5 calendar days within which to file suit in Polk County district court seeking the entry of a declaratory order and/or injunction to protect and keep confidential such documents, data or information. If the appealing party fails to initiate suit within the time requested, the WRA director shall release the documents, data or information at issue for public examination.

(5) If during the pendency of such appeal, a lawsuit is initiated pursuant to I.C. ch. 22 seeking the release of such documents, data or information, the appealing party shall take action to defend its confidentiality request in said lawsuit. If the appealing party fails to defend its confidentiality request in said suit, the WRA director shall release the documents, data or information at issue for public examination.

R. RESERVED.

SECTION 4. ENFORCEMENT OF INDUSTRIAL WASTEWATER REGULATIONS

A. PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE.

The WRA will annually publish, in the largest daily newspaper published in the WRA community, a list of users who at any time during the previous 12 months were in significant noncompliance as defined in section 4.B of this Article.

B. SIGNIFICANT NONCOMPLIANCE.

(1) Any violation of 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) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of significant noncompliance are user violations which meet one or more of the following criteria:

(a) Violations of wastewater discharge limits as follows:

(i) Chronic violations. Sixty-six 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).

(ii) Technical review criteria (TRC) violations. Thirty-three 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). There are two groups of TRCs as follow:

Group I for conventional pollutants (BOD, TSS, FOG)	TRC = 1.4
Group II for all other pollutants	TRC = 1.2

(iii) Any other violation of a wastewater discharge permit limit (average or daily maximum) that the WRA director believes has caused, alone or in combination with other discharges, interference, including slug loads, or pass through or which endangers the health of (city)(county), WRA or operating contractor personnel or the public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the WRA's exercise of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, or attaining final compliance by 90 days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring data, or any other report required by the WRA within 45 days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations, which may include a violation of Best Management Practices, that the WRA director considers to be significant.

(2) When a user is in significant noncompliance, the WRA director is directed to:

(a) Report the information to the Iowa Department of Natural Resources as part of the annual pretreatment performance summary of permitted user noncompliance.

Include the user in the annual public notification according to section 4.A of this Article.

(b) Address significant noncompliance through appropriate enforcement actions or document in a timely manner the reasons for withholding enforcement.

C. ADMINISTRATIVE ACTIONS.

(1) The WRA director may issue a written notice to the user giving the specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:

(a) An order requiring a plan of action for preventing reoccurrence of the violation.

(b) An order requiring specific action for accomplishing remediation.

(c) An order requiring the user to respond in writing within 30 days.

(2) The WRA director is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any noncompliance. Such orders will include specific action to be taken by the user to correct noncompliance within a time period specified by the order.

(3) The WRA director may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated as a revision to an existing wastewater discharge permit and shall not require the consent of the user.

D. ACTIONS AUTHORIZED.

(1) Where there has been noncompliance with any section of this article, the WRA director may request the WRA operating contractor's attorney, or the attorney retained by the WRA for that purpose, to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction, or both, or such other relief as may be appropriate, to compel the user's compliance with this article.

(2) In addition to other remedies provided under this section or other sections of this article, in any action brought at the request of the WRA director to enforce this article, the WRA operating contractor's attorney or the attorney retained by the WRA is authorized to seek to recover all actual damages suffered by the (city)(county) or the WRA, including all actual damages and losses related to costs of repair and remediation of the POTW, costs of investigation and administration reasonably related to any particular violation and attorneys' fees.

E. CIVIL PENALTIES.

(1) Each violation of any section of this article or of a permit issued under this article is declared to be a municipal infraction. Each day that a violation of a section of this article continues, and each day that a violation of a permit issued under this article continues, shall be considered a separate municipal infraction.

(2) Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, commits a municipal infraction punishable by a civil penalty as hereafter provided in Title 1, Chapter 4, Section 1.

(3) Any person who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, commits an environmental violation and shall be guilty of a municipal infraction, punishable by a civil penalty as provided by Title 1, Chapter 4, Section 1.

(4) Violation of a pretreatment standard or requirement referred to in 40 CFR 403.8 is an environmental violation punishable by a civil penalty as hereafter provided in ~~subsection~~ Title 1, Chapter 4, Section 1.

F. PERFORMANCE BONDS.

The WRA director may decline to reissue a permit to any user who has failed to comply with this article or any order or previous permit issued under this article unless such user first files a satisfactory bond payable to the WRA in a sum not to exceed the value determined by the WRA director to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall the bond be required to be greater than ~~$25,000.00~~ ***$100,000.00***. The user shall use a bond form prescribed by the WRA.

G. REVOCATION OF DISCHARGE PERMIT; TERMINATION OF SEWER SERVICE.

(1) *Grounds for revocation of discharge permit and/or for termination of sewer service.* Any user who violates this article, any condition of its wastewater discharge permit, or any of the following is subject to having its discharge permit revoked and/or its sewer service terminated in accordance with the procedures of this subsection:

(a) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(b) Failure of the user to report substantial changes in process activity or in volume or character of pollutants being discharged into the POTW at least 90 days prior to such change.

(c) Tampering with monitoring equipment.

(d) Refusal to allow reasonable access by WRA or operating contractor personnel to the user's premises for the purpose of inspection, monitoring, or sampling.

(e) Violation of permit conditions.

(f) Failure to report an upset, failure, or bypass of the user's pretreatment facilities.

(g) Failure to pay fines, fees, or sewer user charges.

(h) Failure to follow enforcement orders or compliance schedules.

(i) Failure to correct a condition that impedes or alters the WRA's ability to monitor the user's discharge or has the potential to cause interference or pass through.

(j) Failure to obtain a wastewater discharge permit as required by this article after notification by the WRA director that such permit is required.

(2) *Procedure for revocation of discharge permit and for termination of sewer service.* The procedure for revocation of a discharge permit and termination of sewer service shall be as follows:

(a) Any permit issued to a user pursuant to this article may be revoked, and sewer service terminated, by written order of the WRA director, specifying the grounds for such revocation and termination as outlined in subsection ***G***(1) ***of this section***, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to revoke a user's discharge permit and terminate sewer service, the WRA director shall cause a notice of hearing to be prepared, specifying the violations of subsection ***G***(1) ***of this section*** which are deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address listed on the wastewater discharge permit a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.

(b) Sewer service may be terminated by written order of the WRA director, specifying the grounds for such revocation and termination as outlined in ***subsection*** G(1)(j) of this ~~subsection~~ ***section***, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to terminate sewer service, the WRA director shall cause a notice of hearing to be prepared, specifying the violation of subsection G(1)(j) of this ~~subsection~~ ***section*** which is deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.

(c) If after such a hearing the WRA director makes a finding based on substantial evidence that violations under subsection ***G***(1) ***of this section*** have occurred as alleged, the director may issue an order immediately revoking the permit, if a permit had previously been issued, and terminating sewer service to the user's premises. The determination to revoke such permit and terminate service, shall be in the discretion of WRA director and shall be dependent upon the circumstances surrounding the user's violations of subsection ***G***(1) ***of this section*** and the severity of those violations. If the user does not appear for the hearing, the WRA director shall issue the order revoking the discharge permit and/or terminating sewer service, which shall take effect immediately.

(d) The decision and order of the WRA director to revoke the permit of a user may be appealed to the WRA appeal committee. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to WRA not less than 10 days after the director's entry of the order of revocation of permit and/or termination of sewer service. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
%Des Moines Metropolitan Wastewater Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa ~~50326~~ ***50317***

~~(e)~~ The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing user. Such appeal shall be decided by majority vote of the appeal committee. If the appeal committee affirms the order of the WRA director revoking the permit and/or terminating sewer service, the appeal committee shall so state and order in its written decision.

(f) A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the WRA director.

(g) Upon determination by the WRA director that the user's sewer service connection to the POTW be terminated, the director's written order shall be sent to the (city public works department)(county engineer) who 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 public works department)(county engineer). Upon completion of the disconnection, the (city public works department)(county engineer) shall certify to the WRA director the (city's)(county's) cost to disconnect the user's sewer service. Upon receipt of such certification of costs, the WRA director 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 WRA supervision.

(h) Any building at which sewer service is disconnected as herein provided shall be inspected by the (city building official)(county sanitarian) and if appropriate shall be red-tagged as unfit for human occupancy.

H. RESERVED.

I. REINSTATEMENT OF SERVICE.

If service is severed pursuant to this Section, the service may be reinstated in the following manner:

(a) Upon payment to the WRA of any delinquency in full, supervision fee of $100.00, and an inspection by the WRA director to determine whether the original cause for termination has been corrected, the WRA will issue a permit for reconnection of the building service line to the POTW. Such reconnection costs, plus inspection fees for the (city)(county) in accordance with this Code, shall be at the sole expense of the user.

(b) Upon reconnection and payment of all costs described in (a) of this subsection, the City, through its agents, shall remove the red tag from the building, and the building shall, so far as the City is concerned, be fit for human occupancy.

J. EMERGENCY DISCONNECTION OF SERVICE.

(1) *Conditions for immediate disconnection of service.* The WRA director 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.

(2) *Procedure for immediate disconnection.* The procedure for immediate disconnection shall be as follows:

(a) When the WRA director determines that a discharge as described in J(1) of this subsection exists, an oral order shall be issued, followed immediately by a written order, to the user stating the problem and requiring immediate cessation of the discharge. A user orally notified of a suspension of its wastewater permit or sewer service shall immediately stop or eliminate all discharges. If a user fails to immediately and voluntarily comply with the suspension order, the WRA director shall take immediate action to eliminate the discharge, including disconnection from the POTW. Methods of informal notice to a user shall include but not be limited to any of the following: personal conversations between user and personnel or the WRA or its operating contractor, telephone calls, letters, hand-delivered messages or notices posted at the user's premises or point of discharge.

(b) A user responsible, in whole or in part, for imminent endangerment shall submit to the WRA director, prior to the hearing described in

Section 4.G(2), a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence.

K. ELIMINATION OF DISCHARGE; REINSTATEMENT OF PERMIT.

A user notified by the WRA director of revocation of its discharge permit and/or disconnection of its sewer service under Section 4.G or 4.J shall immediately cease discharging wastewater to the POTW. If the user fails to comply voluntarily with the revocation and/or disconnection order, the (city)(county) shall take such steps as are deemed necessary by the WRA, including immediate severance of the sewer connection. The WRA director shall reinstate the wastewater discharge permit or the sewer service upon proof of the elimination of the non-complying discharge.

L. ADDITIONAL REMEDIES.

(1) In addition to remedies available to the WRA set forth elsewhere in this article, if the WRA is fined by the Iowa department of natural resources or the U.S. Environmental Protection Agency for violations of the National Pollutant Discharge Elimination System permit for the WRF, or for violations of water quality standards as the result of a discharge of pollutants by an identifiable user, the fine, and all legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible user. Such charge shall be in addition to any other remedies the WRA may have under this article at law or in equity.

(2) If the discharge from any user results in a deposit, obstruction, damage or other impairment to the POTW, the user shall become liable to the City ~~district)~~ and/or the WRA for any expense, loss, or damage caused by the violations or discharge. The WRA may add to the user's charges and fees the costs incurred by the WRA and by the City for any cleaning, repair, or replacement work caused by the violations or discharge.

(3) The remedies provided in this article shall not be exclusive, and the WRA may seek whatever other remedies are authorized by statute, at law or in equity against any persons violating this article.

(4) In addition to any other remedies provided in this article, the City and/or the WRA may initiate an action, either in law or in equity, to obtain an injunction against further violations of this article and for judgment for all costs incurred by the City and/or the WRA occasioned by the user's violation of any requirements of this article.

M. NOTICES TO THE WRA, THE WRA BOARD, THE WRA DIRECTOR OR THE WRA STEERING COMMITTEE.

Notices which are required to be given or which may be given to the WRA, the WRA board, the WRA director or the WRA appeal committee, as provided in ~~Sections 2 through 4 of~~ this article, shall be mailed to such entity, body or person at the following address:

%Des Moines Metropolitan Wastewater Reclamation Authority
Des Moines Wastewater Reclamation Facility
3000 Vandalia Road
Des Moines, Iowa 50317

N. RESERVED.

SECTION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

A. PURPOSE.

The purpose of this section shall be to aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of Fat, Oil, and Grease (FOG) into the POTW. Such discharges from commercial kitchens, restaurants, food processing facilities and all other establishments, where Fat, Oil and Grease ~~(FOG)~~ of vegetable or animal origin are discharged directly or indirectly into the POTW, can contribute to line blockages and/or spills in violation of Title 40, Code of Federal Regulations (40 CFR), Part 403.

B. DEFINITIONS.

The definitions found in section 1.A shall apply to the provisions of this Section, provided however that the following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Best management practices* or *BMPs* means and includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this Section, *best management practices* include procedures and practices that reduce the discharge of ~~fat, oil and grease (~~FOG~~)~~ to the building sewer, to the City sanitary sewer system and to the POTW.

(2) *Design liquid depth* means the maximum depth of liquid when the tank is filled with water.

(3) *Effective date* means the date set forth in section 5.C upon which the regulatory provisions of this Section take effect.

(4) *Food Service Establishment* or *FSE* means an operation or enterprise that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Such facilities may include, but are not limited to, those that process meat or other food ingredients as an intermediate step or for final human consumption, food service operations in a summer camp, residential substance abuse treatment facility, halfway house, correctional facility, school, restaurant, commercial kitchen, caterer, church, hotel, bars, hospital, prison, care institution or similar facility.

(5) *Grease interceptor* means a tank that serves one or more fixtures and is remotely located. Grease interceptors include, but are not limited to, tanks that capture wastewater from dishwashers, garbage disposals, floor drains, pot and pan sinks and trenches as allowed by local plumbing codes. For purposes of this ordinance, a grease interceptor is a multi-compartment tank located

underground outside of a building that reduces the amount of FOG in wastewater prior to its discharge into the POTW.

(6) *Grease trap* means a device designed to retain grease from one to a maximum of four fixtures. Not all grease traps are approved by the manufacturer for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this ordinance, a grease trap is a small device located within a building.

(7) *Minimum design capability* means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.

(8) *Non-routine inspection* means an impromptu, unscheduled inspection of an FSE made without prior notification or arrangement.

(9) *Routine inspection* means an inspection of an FSE which is scheduled in advance or according to a pre-arranged schedule.

(10) *User* as used in this Section has the same meaning as the definition in section 1.A, but also includes persons who discharge wastewater to the POTW from mobile sources, such as mobile food vendors.

C. EFFECTIVE DATE OF FOG REGULATIONS.

The provisions of this Section shall be effective on and after January 1, 2006.

D. GREASE INTERCEPTOR INSTALLATION REQUIRED AFTER EFFECTIVE DATE.

The owner of a building or facility in which an FSE is located, and the owner or operator of an FSE shall be required to install an approved grease interceptor, and to thereafter operate and maintain same as provided in this Section.

E. EXEMPTION FROM GREASE INTERCEPTOR INSTALLATION REQUIREMENT FOR EXISTIN FACILITIES.

The requirements of section 5.D shall not apply to that portion of a building or facility within which an FSE is in existence on the effective date if:

(a) The FSE has an existing grease interceptor or grease trap in place as of the effective date and provided that (1) the owner or occupant of the FSE continues to use the interceptor or trap, (2) the interceptor or trap is of sufficient capacity and design, and (3) the interceptor or trap is operated and maintained so as to comply with FOG discharge limits; and

(b) Any repair, remodeling or renovation of the wastewater plumbing system in the existing FSE involves only (1) the repair of leaks or the clearing of stoppages in drains, soil, waste or vent piping, or (2) the removal and reinstallation of a sink, toilet or hot water heater; provided that such work does not involve replacement, rearrangement or moving of wastewater pipes, floor sinks, drainage fixtures or grease traps; and

(c) None of the following conditions are present:

(i) A building or facility exists on the effective date and is thereafter expanded or renovated, or a portion thereof, to include an FSE where such FSE did not previously exist; or

(ii) An FSE exists on the effective date within a building or facility, or portion of a building or facility, and application is thereafter made for a building permit(s) for such building or facility with valuation of $50,000 or more within a twelve (12) month period; or

(iii) A building or facility, or portion thereof, that contained an FSE on the effective date but in which an FSE ceases to operate for one year or more, as determined by Iowa Department of Inspections & Appeals, Food and Consumer Safety Bureau records.

F. COMPLIANCE PROCEDURES.

(1) After the effective date, any permitted construction under Section 5.D shall be deemed compliant upon issuance of a certificate of compliance or certificate of occupancy for such construction by the City building official or designee.

(2) Any FSE shall be deemed compliant, unless the WRA director or local building official or designee determines that an existing grease trap or grease interceptor is incapable of adequately retaining FOG. In such cases, the Director may order the FSE to install an adequate grease interceptor within a specified time period if:

(a) the FSE is found to contribute FOG in quantities above FOG discharge limits; or

(b) the FSE discharges necessitate increased maintenance on the publicly owned treatment works (POTW) in order to keep stoppages from occurring therein; or

(c) the FSE's discharge to the POTW is at anytime determined to exceed four hundred (400) mg/l total FOG.

(3) An order directing an existing FSE or the owner or operator of the FSE or the owner of the building or facility in which the FSE is located to install a grease interceptor shall be in writing from the WRA Director in the form of a notice of violation including a corrective action order, as provided in section 5.~~F~~ ***M*** of this Article.

(4) FSEs or owners of buildings or facilities within which an FSE is located which are unable to install or replace a grease interceptor due to exceptional physical constraints or economic hardship may appeal to the WRA director for approval of an alternative grease control technology by requesting a hearing in accordance with the provisions of this Section. Such requests shall be submitted in writing and shall include detailed descriptions of the FSE's physical or financial constraints and the alternative grease control technology which it proposes to install and utilize.

(a) In order to demonstrate exceptional economic hardship, the owner or operator of the FSE shall submit to the WRA director balance sheets and profit and loss statements for FSE for the preceding three (3) years. A new FSE shall submit profit/loss projections or a detailed business plan with projections for twenty-four (24) months. Each request shall be evaluated on a case-by-case basis.

(b) Notwithstanding approval of alternative grease control technology, when the WRA director determines that such alternative is not performing adequately, the FSE or owner of the building or facility in which the FSE is located shall be required to take additional grease control measures, which may include the installation of a grease interceptor.

(c) In order to demonstrate exceptional physical site constraints preventing the installation of a grease interceptor, the owner or operator of the FSE or owner of the building or facility in which the FSE is located shall submit to the WRA director documentation and plats showing the location of sanitary sewer and any private easements in relation to the building sewer for the building housing the FSE, and showing available space inside or outside the building and drawings of existing plumbing at or in a site that uses common plumbing for all services at that site.

(d) An FSE that is given an exemption from installing a properly sized grease interceptor is prohibited from installing or using a dishwasher or garbage disposal without approval of the director and must comply with the conditions of such approval, if any.

G. INSTALLATION OF GREASE INTERCEPTORS AND GREASE TRAPS.

Grease interceptors and grease traps, when required, shall be installed as follows:

(a) Grease interceptors and grease traps shall be installed at the expense of the owner or operator of the FSE or owner of the building or facility in which the FSE is located which is contributing wastewater to the POTW.

(b) All wastewater streams containing FOG or reasonably likely to contain FOG within FSEs or other FOG generating operations shall be directed into one or more appropriately sized grease interceptor before discharge to the POTW. Grease interceptors shall be either sized by adding the peak design flow rates for all fixtures leading to the grease interceptor and allowing a minimum retention time of thirty (30) minutes or as follows:

Grease Interceptor Sizing

1. Peak meals per hour
   a. Seating capacity of FSE
   b. Occupancy of FSE
   c. Seating or occupancy x meal factor of 1.3 (45 minute meal) ***or 1.0 (intermittent-use FSEs)*** = Peak meals per hour

* Church: include all area(s) used for meal service

* Assisted Living / nursing facility; equal to maximum number of residents (per State license)

2. Waste flow rate, gallons of flow
   a. Commercial, equipped kitchen with dishwasher & one garbage disposal* 7
   b. Commercial, equipped kitchen with dishwasher, no garbage disposal* 6
   c. Commercial, equipped kitchen with no dishwasher, one garbage disposal* 6
   d. Commercial, equipped kitchen with no dishwasher, no garbage disposal* 5
   e. Single service kitchen** 2

* Each additional garbage disposal, add one (1) gallon

** Single service kitchen = no garbage disposal, no dishwasher and all service is single use

3. Retention time, hours
   a. Commercial kitchen 2.5
   b. Single service kitchen 1.5
4. Storage factor
   a. Commercial kitchen up to 8 hours of operation 1
   b. ***Commercial kitchen up to 12 hours of operation*** ***1.5***
   ~~b.~~ ***c.*** Commercial kitchen up to 16 hours of operation 2
   d. ***Commercial kitchen up to 20 hours of operation*** ***2.5***
   ~~c.~~ ***e.*** Commercial kitchen up to 24 hours of operation 3
   ~~d.~~ ***f.*** Single service kitchen 1.5

Peak Meals per Hour	X	Waste Flow Rate	X	Retention Time	X	Storage Factor =	Calculated Interceptor Size

(c) Concrete grease interceptors whether precast or poured in place, shall be designed and manufactured in accordance with ASTM C 1613-08 Standard Specification for Precast Concrete Grease Interceptor Tanks or IAPMO / ANSI Z1001 Grease Interceptors and shall be installed in accordance with the codes adopted by the jurisdiction in which the FSE is located. Where no code is adopted, the construction and installation shall be in accordance with the Iowa State Plumbing Code and this Section. Grease interceptors using materials other than concrete require approval by the director, and shall comply with the conditions of such approval, if any.

(d) The building official or other designated official of the governmental subdivision within which the FSE is located shall inspect each grease interceptor installation made pursuant to this Section, shall review all relevant information regarding the rated performance of the grease interceptor, and the building plan and facility site plan for the building and site where the grease interceptor has been installed, and shall approve such grease interceptor installation upon determination that the grease interceptor meets all applicable standards and requirements.

(e) Grease interceptors shall have a minimum capacity of one thousand (1000) gallons and shall not exceed five thousand (5000) gallons for a single unit. Where a capacity greater than five thousand (5000) gallons is required, several smaller units shall be installed in series, however the capacity shall not exceed ten thousand (10,000) gallons for any single series of interceptors without approval of the director.

(f) Grease interceptors shall be installed outside the building housing the FSE and below surface grade, and shall have access manholes, with a minimum diameter of twenty-four (24) inches, over each chamber and sanitary tee. Access manholes shall extend from the grease interceptor to at least the finished surface grade and be designed and maintained to prevent storm or surface water inflow and groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.

(g) Sewer lines which are not grease laden, which are not likely to contain FOG, or which contain sanitary wastes shall not be connected to a grease interceptor.

(h) Grease interceptors shall be equipped with an accessible discharge sampling port with a minimum six (6) inch diameter, which shall extend from the grease interceptor to at least the finished surface grade.

(i) Where grease interceptors are shared by more than one FSE, the building owner shall be the responsible party for record keeping and cleaning of the interceptor.

H. OPERATION, MAINTENANCE AND CLEANING OF GREASE INTERCEPTORS *AND GREASE TRAPS AND GREASE HAULER CERTIFICATION*.

(1) The owner or operator of an FSE which is required to pass wastewater through a grease interceptor ***or trap*** shall operate and maintain the grease interceptor ***or trap*** so ~~as to consistently achieve attainment of the grease limit. In this context, consistent achievement means that any wastewater sample taken from~~ ***that wastewater exiting*** the grease interceptor ***or trap*** shall not exceed four hundred (400) milligrams per liter of FOG.

(2) The owner or operator of the FSE shall cause the grease interceptor ***or trap*** to be cleaned as hereinafter required when FOG and solids reach 25% of the design liquid level of the grease interceptor ***or trap***, or sooner if necessary to prevent carry over of ~~grease~~ ***FOG*** from the grease interceptor ***or trap*** into the city sanitary sewer system~~, but not less than once every three (3) months when an interceptor is first installed and not less than annually thereafter~~. . ***Interceptors and traps shall be cleaned at three (3) month intervals or less. A longer cleaning interval must be approved by the WRA director.*** If the owner or operator of the FSE, or an employee of the owner or operator, has ~~obtained~~ a ***current*** ~~waste hauler's license~~ ***grease hauler certification from the WRA indicating satisfactory completion of the*** ~~and has completed to the satisfaction of the WRA director the~~ course of training offered by the WRA ~~in~~ ***on*** the cleaning of grease interceptors ***and traps***, such person or persons may clean the grease ~~interceptor~~ ***trap in the facility included in such grease hauler's certification. Failure to adequately clean the grease trap, properly dispose of all grease trap waste, or maintain clean out records and measurements may result in revocation of a grease hauler certification pursuant to Section 6.N***. Alternatively, the owner or operator of an FSE may employ a waste hauler licensed by the WRA pursuant to Section 6 of this article to clean the grease interceptor ***or trap***, provided that the waste hauler~~'s~~ personnel ~~actually~~ performing the ~~cleaning of the grease interceptor~~ ***grease interceptor cleaning*** ~~has completed the course of training offered by the WRA in the cleaning of grease interceptors~~ ***has a current grease hauler certification from the WRA indicating satisfactory completion of the course of training offered by the WRA on the cleaning of grease interceptors and traps***.

(3) Any person who cleans a grease interceptor ***or trap*** shall do so in accordance with the following procedures and requirements. The person cleaning the grease interceptor ***or trap*** shall:

(a) Completely empty and remove the contents (liquids and sludge) of all vaults of the grease interceptor ***or trap***, and remove the grease mat and

scrapings from the interior walls. ***As part of each cleaning of a grease interceptor or trap, the owner or operator of the FSE, or the licensed waste hauler employed by the FSE owner or operator, shall perform the following maintenance activities:***

(i) Check that the sanitary "tees" on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.
(ii) Verify that the baffle is secure and in place.
(iii) Inspect the grease interceptor or trap for any cracks or other defects.
(iv) Check that lids are securely and properly seated after completion of cleaning.

(b) Not deposit waste and wastewater removed from a grease interceptor ***or trap*** back into the grease interceptor ***or trap*** from which the waste or wastewater was removed or into any other grease interceptor ***or trap***, for the purpose of reducing the volume of waste and wastewater to be disposed of.

(c) Not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease interceptor ***or trap*** to dissolve or emulsify grease or as a grease abatement method. Introduction of bacteria as a grease degradation agent is permitted with prior written approval by the WRA director.

(d) Dispose of waste and wastewater removed from a grease interceptor ***or trap*** at the WRF or at a facility approved for disposal of such waste by the WRA director. Waste and wastewater removed from a grease interceptor ***or trap*** shall not be discharged to any private sanitary or storm sewer or to the city sanitary or storm sewer system. ***The waste hauler shall provide a copy of the disposal receipt for all waste and wastewater removed from a grease interceptor or trap to the owner or operator of the FSE.***

(e) Not use an automatic grease removal system to clean a grease interceptor without prior written approval of the WRA director, and if, the use of an automatic grease removal system is approved, shall operate same in a manner that the grease wastewater discharge limit, as measured from the system's outlet, is consistently achieved.

~~**(4)** If grease interceptor cleaning is performed by a licensed waste hauler, the owner or operator of the FSE shall witness all cleaning/maintenance activities to verify that the grease interceptor is being fully cleaned and properly maintained according to the requirements of this Section or Section 5.H. The waste hauler shall provide a copy of the disposal receipt for all waste and wastewater removed from a grease interceptor to the owner or operator of the FSE.~~

~~(5) As part of each cleaning of a grease interceptor, the owner or operator of the FSE, or the licensed waste hauler employed by the owner or operator, shall perform the following maintenance activities:~~

~~(a) Check that the sanitary "tees" on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.~~

~~(b) Verify that the baffle is secure and in place.~~

~~(c) Inspect the grease interceptor for any cracks or other defects.~~

~~(d) Check that lids are securely and properly seated after completion of cleaning.~~

(6) The WRA director may make exceptions to the above requirements, or may approve alternative operational requirements or cleaning and maintenance methods, provided that such exceptions or approvals shall be made in writing by the WRA director.

(7) The WRA Director may issue a grease hauler certification upon satisfactory completion of the course of training offered by the WRA on the proper maintenance and cleaning of grease interceptors and traps, disposal procedures and record keeping. Such certification shall be for a period of 5 years and shall be in effect for the person receiving such training and for the FSE site for which such person is the owner, operator or employee thereof.

I. RECORDS AND RECORD KEEPING.

(1) Required Records

The owner or operator of an FSE which is required to pass wastewater through a grease interceptor or trap shall maintain a written record of grease interceptor or trap maintenance, including a log showing the dates upon which the grease interceptor or trap was inspected and the estimated amount of FOG present in the grease interceptor or trap at each inspection, the date upon which waste and wastewater was removed from the grease interceptor or trap and disposed of, and the location and means of such disposal of waste and wastewater, and the name and employer or the person or persons performing each of said tasks. The log shall further include a record of the placement of any approved or unapproved additive into the grease interceptor, grease trap or building sewer on a constant, regular or scheduled basis, including the type and amount of additive placed on each such occasion. Only additives approved by the WRA director pursuant to section 5.H(3)~~(c)~~ may be used in a grease interceptor.

(2) Record Keeping

The log shall at all times be kept and maintained on a day-to-day basis, so as to show a record of waste and wastewater removal, waste and wastewater disposal and approved additive placement for a continuous period of three (3) years. All such records shall be kept secure at the premises of the FSE for a continuous period of three years and shall be made available for

non-routine inspection by the (city)(county), the WRA and its operating contractor, or the employees and agents of any of them at any time during normal business hours.

J. INSPECTION OF GREASE INTERCEPTORS AND RELATED SEWERS AND EQUIPMENT.

The owner or operator of an FSE shall:

(a) Provide, operate and maintain, at its expense, safe and accessible monitoring facilities (such as a suitable manhole), and shall make such monitoring facilities available for inspection, and for sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis.

(b) Shall allow personnel authorized by the WRA director or by the (city building official or designee)(county sanitarian), bearing proper credentials and identification, to enter upon or into any building, facility or property housing an FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this Section.

(c) Shall, upon request by the WRA director's authorized representative, open any grease interceptor ***or grease trap*** for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, including, but not limited to, baffles ~~influent~~ and effluent tees, and that all grease interceptors***, traps,*** and related equipment and piping is maintained in efficient operating condition.

(d) Shall accommodate compliance inspections and sampling events by the authorized representatives of the WRA director or of the (city building official)(county sanitarian). Staff may conduct routine inspections and sampling events of any food service establishment. Non-routine inspection and sampling events shall occur more frequently when there is a history of non-compliance with this Section and when blockages occur in the City's sanitary sewer system downstream of the FSE.

K. INSPECTION FEES.

The fees for inspection of an FSE shall be as provided in section 2.L and shall be paid within thirty (30) days of the date of the invoice for such fees.

L. ENFORCEMENT.

The WRA director is authorized to enforce this Section as hereinafter provided. The City building official or designee, or such other governmental official hereafter designated by the WRA, is also authorized to enforce this Section.

M. NOTICE OF VIOLATION - ADMINISTRATIVE PENALTIES – CORRECTIVE ACTION ORDER.

(1) The director, or such other designated officers or officials with enforcement authority as provided in Section 5.~~M~~ ***L***, are authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this Section or who commits an act prohibited by this Section. Such notice may include a corrective action order requiring the user to take one or more of the following corrective actions within thirty (30) days:

(a) Conform to best management practices;

(b) Submit copies of the grease interceptor ***or trap*** maintenance log;

(c) Develop, submit and implement a FOG compliance plan to be approved by the director or designated enforcement official; or

(d) Install a compliant grease interceptor.

(2) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the (city council)(board of supervisors) by resolution.

(3) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice may be by regular mail or by delivery in person.

(4) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within thirty (30) days of its issuance.

(5) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in Section 5.~~O~~ ***N***, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA director determines that immediate enforcement action by misdemeanor or municipal infraction prosecution is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. A record of all violations, administrative penalties charged or other enforcement actions taken shall be maintained by the WRA for a period of three years.

N. PENALTIES.

(1) Any person who fails to perform an act required by this Section or who commits an act prohibited by this Section shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by Iowa Code chapter 903 or shall be guilty of a municipal infraction punishable by a civil penalty as provided Title 1, Chapter 4, Section 1 of this Code.

(2) Any person who fails to comply with a pretreatment standard applicable to an FSE shall be guilty of a municipal infraction punishable by a civil penalty of not more than one thousand dollars for each day the violation exists or continues, as provided by section 364.22~~ or 331.307~~ of the Iowa Code.

(3) When enforcement is sought through a municipal infraction proceeding, the director, or such other designated officers or officials with enforcement authority as provided in Section 5.~~M~~ ***L***, may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order.

O. ORDER TO CEASE OPERATION OF FSE.

(1) Where a violation of this Section has not been timely corrected, and results in or threatens interference or pass through as herein defined, the WRA director, or such other designated officers or officials with enforcement authority as provided in Section 5.~~M~~ ***L***, shall have the authority to issue an order in writing to the owner or operator of the FSE, ordering such person or persons to cease and desist from further operation of the FSE and from further discharge of wastewater to the sanitary sewer system. The order shall be delivered by personal service unless the owner or operator cannot be found within the (city)(county), in which event notice shall be by ordinary mail addressed to the owner's or operator's last known address and by posting a copy of the notice in a conspicuous place upon the premises of the FSE.

(2) Operation of the FSE shall cease on the date stated in the order and shall not recommence without the prior written approval of the WRA director.

(3) The applicant may make a written request to the director for a reconsideration and hearing on the cease and desist order within ten (10) days from the issuance of the order, provided, however, that operation of the FSE shall cease pending the outcome of the hearing.

(4) The owner's or operator's request for hearing shall identify the appealing party, include the address of the person requesting the hearing and to which all further notices shall be mailed or served, and shall state the basis for the appeal.

(5) The hearing shall be scheduled to be held as soon as practicable and no later than fourteen (14) days after the request for hearing was filed with the WRA

director. The person requesting the hearing shall be notified in writing or by telephone of the date and place of such hearing at least three (3) days in advance thereof. At such hearing the director and the person requesting the hearing may be represented by counsel, examine witnesses, and present evidence as necessary.

(6) The determination by the director or by that the violation occurred shall be considered a final administrative decision, unless appealed to the WRA.

P. APPEAL OF CORRECTIVE ACTION ORDER OR CEASE AND DESIST ORDER.

(1) Any person aggrieved by a corrective action order or a cease and desist order issued by the WRA director or by such other designated officers or officials with enforcement authority as provided in Section 5.~~M~~ ***L***, may, file an appeal and request a ruling that such order be modified or rescinded.

(2) Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to the WRA within ten (10) days after the WRA director's issuance of the order. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
~~%~~Des Moines Metropolitan Wastewater Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa ~~50326~~ ***50317***

(3) The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing party. Such appeal shall be decided by majority vote of the appeal committee. The appeal committee may affirm, modify or rescind the order of the director and shall so state and order in its written decision.

Q. ADDITIONAL REMEDIES.

The WRA or the City is not precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief or for recovery of investigational or remedial costs resulting from a non-complying discharge, in the event that the WRA or the City files a misdemeanor citation, notice of administrative penalty, and/or files a municipal infraction for the same violation of this Section.

R. RESERVED.

SECTION 6. REGULATION OF HAULED WASTE*

A. DEFINITIONS.

The definitions found in Sections 1.A and 5.B shall apply to the provisions of this subdivision, provided however that the following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Vehicle* means a ***commercial*** device equipped with a tank and used to remove or transport waste.

(2) *Waste* means human excreta, water, scum, sludge, septage, ***FOG,*** ~~and~~ food waste or grease solids***, and non-hazardous industrial wastewaters and solids*** removed from public and private wastewater disposal systems, holding tanks, impervious vaults, portable or chemical toilets, or from devices used to trap grease resulting from food preparation. *Waste* also means liquid wastes resulting from spill clean-up.

B. LICENSE.

No waste hauler shall remove waste from within the corporate limits of the City of West Des Moines or shall dispose of waste, whether from a source inside or outside the corporate limits, into the POTW without first obtaining a waste hauler license from the WRA, with the following exceptions:

(a) WRA participating communities that operate vehicles to remove waste from municipal sewer systems.

(b) Waste haulers hired by WRA participating communities to remove waste from municipal sewer systems and which bring no other wastes to the WRF.

(c) Waste haulers utilized by industrial users issued a wastewater discharge permit by the WRA.

(d) Waste haulers granted temporary authorization by the WRA director in order to deal with an emergency.

C. ISSUANCE OF LICENSE.

The waste hauler's license shall be issued by the WRA director upon written application that shall consist of the following minimum requirements:

(a) *Inspection.* The WRA director, upon application, shall inspect the trucks, hoses, valves, and associated equipment of the applicant for a

waste hauler's license and determine if they meet the minimum qualifications for complying with the conditions of this Section.

(b) *License fee and bond.* An application shall require the payment of a fee of $60.00 for each vehicle used by the applicant and the posting of a bond with reasonable surety in the penal sum of $10,000.00 for the faithful compliance with this Section, including prompt payment of fees, fines and damages. WRA participating communities that contract with waste haulers in order to clean and rehabilitate storm and sanitary sewers owned by the community or that own and operate waste hauling vehicles may provide proof of self-insurance or provide a letter guaranteeing payment of up to $10,000.00 in lieu of providing a surety bond.

(c) *Renewal.* A waste hauler license shall expire on June 30 next after its issuance. The renewal application must be made in the same manner as the initial application and must be received by the director 30 days prior to expiration. Failure to apply 30 days prior to expiration may result in an interruption in the license and the privileges of such license.

(d) *Transferability.* Waste hauler licenses are not transferable.

D. STANDARDS FOR VEHICLES AND EQUIPMENT.

As to all vehicles and equipment used by a waste hauler, the licensee shall:

(a) Prevent waste and wastewater from leaking, spilling, or discharging onto roads or rights-of-way.

(b) Ensure proper construction and repair of the equipment to allow cleaning.

(c) Maintain vehicles and equipment in an essentially rustfree and sanitary condition and appearance.

(d) Display the business name as it appears on the waste hauler license in three-inch or larger letters on the left and right sides of the vehicle.

E. DISPOSAL.

Waste haulers shall dispose of hauled wastes permitted in this Section according to rules for land application as found in chapter 65, chapter 69, and chapter 121 of the Iowa Administrative Code or at a location designated by the WRA director. Hours of operation at the WRF disposal station shall be set by the WRA director. Special arrangements between the waste hauler and the WRA director shall be allowed to permit response to emergency conditions. Waste haulers

shall maintain the designated disposal location in a clean and orderly condition to avoid noxious odors and unsanitary conditions.

F. IDENTIFICATION OF SOURCE.

Waste haulers must document the nature and origin of wastes collected and the site and method of disposal for wastes that are removed from (city)(county) locations or are delivered to the WRF. Such information shall be provided on a manifest form provided by the WRA director. The manifest shall also include: (i) the name, address and phone number of the waste generator, (ii) the type of waste collected, (iii) the approximate volume of the load, (iv) any other information consistent with identification and tracking of wastes. The WRA director or his or her designee shall have the right to verify all information required by this subsection, including the right to measure, sample and analyze any waste regulated by this Section. The waste hauler shall obtain approval from the WRA director or his or her designee prior to loading wastes originating from an industrial/commercial source unless prior approval is on record with the WRA.

G. MIXING WASTES.

(1) For the purposes of this Section, wastes from residential and nonresidential sources shall not be mixed. Wastes from an industrial/commercial source shall not be mixed with wastes of any type from another location. Portable toilet and FSE grease trap wastes may be mixed with similar wastes from different locations. Residential wastes from several sources may be mixed as long as each source is identified.

(2) Any tanks or equipment used for hauling waste to the WRF shall not be used for hauling hazardous wastes or hazardous substances, as defined in I.C. § 567.1 et seq., chapter 131 of the Iowa Administrative Code and in 40 CFR 261, or other wastes detrimental to the WRF.

H. STANDARDS OF DISPOSAL AT WRF.

Under this Section, disposal of wastes at the WRF shall be carried out in accordance with pretreatment standards and requirements established by federal, state, county and city governments including categorical standards developed for the waste generator's industrial category. The WRA director may reject wastes from waste haulers who do not comply with this subsection or with any other subsection of this Section. Waste haulers shall not deliver wastes to the WRF, or to any other disposal location approved by the WRA director which are:

(a) Prohibited by Section 2.B or exceed the limits found in subsection 2.C(3)(d), Sections 2.D and 2.E of this chapter.

(b) Hazardous wastes or hazardous substances as defined in 40 CFR Part 261 or 567 I.A.C., Chapter 131.

(c) Originate from mineral oil ~~and grease traps~~ unless first treated to remove the oil and grease.

(d) Not completely identified or are from industrial/ commercial sources that are not approved by the director as required in Section 6.F.

(e) Mixed in a manner prohibited in Section 6.G.

(f) Wastes other than residential from outside the WRA, except through requests to the director.

I. REJECTION OF WASTE LOADS.

(1) The WRA director may reject any hauled waste load that violates or is suspected of violating the requirements of this Section or that fails to meet any other guidelines established by the WRA director to protect personnel, equipment, and the WRF. Waste haulers must:

(a) Remove rejected waste from the WRF.

(b) Immediately remove any additional wastes contaminated by the rejected waste while contained at the WRF prior to introduction into the sewer.

(c) Properly dispose of all rejected wastes in accordance with state and federal law.

(d) Provide the WRA director with a written statement, signed by the waste hauler license holder, stating the location, date, and time the rejected load was disposed of. The statement is due within five calendar days after the waste is rejected.

(2) A vehicle used to haul rejected wastes shall not thereafter be allowed to dispose of additional wastes at the WRF until the statement required by this subsection is delivered to the WRA director.

J. TREATMENT FEES FOR HAULED WASTES.

(1) A treatment fee shall be charged per pound of hauled waste received at the WRF for all wastes originating within WRA participating communities which are treated through the headworks at the WRF using all treatment processes at the WRF, which fee shall be equal to the cost of disposal and treatment of an equivalent volume and mass of pollutants otherwise delivered into the POTW. The treatment fee shall include: (1) the volume charge component, (2) a treatment surcharge component for each pollutant as found in Section 2.L of this Article, and (3) a program cost component. The program cost component shall be calculated by dividing the annual administrative costs of the waste hauler program by the total gallons of hauled waste treated in the previous

calendar year. The surcharge component shall be calculated using the average concentration of pollutants found in hauled wastes delivered to the wastewater reclamation facility. The treatment surcharge and program cost components shall be reviewed and updated annually based on the most recent data collected by the operating agency. The treatment fee for loads originating outside the corporate limits of the WRA participating communities shall be 1.5 times the fee for loads originating within the WRA participating communities.

(2) A treatment fee shall be charged for hauled wastes originating within the corporate limits of the WRA participating communities which are treated using only a portion of the treatment processes at the WRF, which fee shall be calculated to recover the cost of treatment. The cost of treatment shall include electrical, chemical, personnel, and any capital costs associated with the treatment processes utilized, and a program cost component which shall be calculated by dividing the annual administrative costs of the waste hauler program associated with partial process treatment by the total gallons of hauled waste treated using only a portion of the treatment processes in the previous calendar year. Treatment costs shall be reviewed and updated annually based on the most recent data collected by the operating agency. The treatment fee for loads originating outside the corporate limits of the WRA participating communities shall be 1.5 times the fee for loads originating within the WRA participating communities.

(3) Fees shall be computed and recorded at the disposal station and shall be paid by the waste hauler on the basis of monthly billings by the finance department. Limits of credit shall not exceed 60 days. Abuse of such credit shall be grounds for liability on the waste hauler's bond and for refusal of disposal services to any waste hauler under this Section.

(4) Waste haulers may elect to have their loads tested for actual concentration at their expense as set out in Section 2.L. When a waste hauler has elected to have loads tested for actual concentration, the treatment fee will be based on the actual concentration whether it be higher or lower than the average concentration treatment fee. Said testing will be done at least once a month or more often as required by the WRA director.

K. ENFORCEMENT.

The WRA director, the City building official or such other governmental official hereafter designated by the WRA, shall be authorized to enforce this Section as hereinafter provided.

L. NOTICE OF VIOLATION - ADMINISTRATIVE PENALTIES – CORRECTIVE ACTION ORDER.

(1) The director, or such other designated officers or officials with enforcement authority as provided in section 6.K, are authorized to issue a notice of violation

imposing an administrative penalty upon any person who fails to perform an act required by this Section or who commits an act prohibited by this Section.

(2) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the (city council)(board of supervisors) by resolution.

(3) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice may be by regular mail or by delivery in person.

(4) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within thirty (30) days of its issuance.

(5) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in Section 6.M, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA director determines that immediate enforcement action by misdemeanor or municipal infraction prosecution pursuant to Title 1, Chapter 4, Section 1 is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. The WRA shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

M. PENALTIES.

(1) Any person who fails to perform an act required by this Section or who commits an act prohibited by this Section shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by Iowa Code chapter 903 or shall be guilty of a municipal infraction punishable by a civil penalty as provided by Title 1, Chapter 4, Section 1 of this Code.

(2) Any person who violates a discharge prohibition set forth in Section 2.B, or discharges in excess of local limits as set forth in Section 2.C, shall be guilty of an environmental violation punishable as provided by section 364.22 of the Iowa Code.

N. DENIAL, SUSPENSION AND REVOCATION OF LICENSE.

(1) *Grounds for denial, suspension or revocation of waste haulers license.* The WRA director may deny, suspend or revoke the waste hauler license ***and/or grease hauler certification*** of any wastehauler who violates any provision of this Section or any condition of its license, or who commits any of the following violations, or who does not meet the following requirements:

(a) Violation of any term, condition or requirement of this Section, the license, or applicable state of Iowa or federal laws or regulations.

(b) Obtaining a license by misrepresentation.

(c) Falsification of, failure to complete or failure to fully disclose all relevant facts in a license application.

(d) Failure to pay fees, administrative penalties or fines.

(e) Failure to report a spill to the WRA.

(f) Using wash down water or otherwise diluting the permitted waste for the purpose of meeting discharge limitations or requirements.

(g) Falsification of, failure to complete or failure to fully disclose all relevant facts in any report, manifest information or record required by the license or this Section.

(h) Tampering with samples or sampling equipment intended to accurately reflect the contents of each hauled waste load.

(i) Refusing to allow WRA personnel timely access to the wastehauler's facility premises, vehicles, or records.

(j) Failure to perform as required under a corrective action order or compliance schedule issued by the WRA director.

(k) Failure to correct any violation of this Section within 30 days after notice by the WRA Director.

(l) Failure to immediately correct any violation of this Section if the condition constituting the violation is declared a threat to public health, safety or welfare by the WRA director and the director orders immediate correction.

(2) *Procedure for denial, suspension or revocation of wastehauler's license.* The procedure for denial, suspension or revocation of a wastehauler's license shall be as follows:

(a) Any license issued to a wastehauler pursuant to this Section may be denied, suspended or revoked by written order of the WRA director specifying the grounds for such action as outlined in subsection ***N***(1) ***of this section***. which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to deny, suspend or revoke a wastehauler's license, the WRA director shall cause a notice of hearing to be prepared, specifying the violations of subsection ***N***(1) ***of this section*** which are deemed to have occurred, and the time, date and place that such hearing will be held.

The notice shall be sent to the wastehauler by regular mail addressed to the wastehauler's address listed on the wastehauler's license a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.

(b) If after such a hearing the WRA director makes a finding based on substantial evidence that one or more violations under subsection ***N***(1) ***of this section*** have occurred as alleged, the director may deny issuance or the license, suspend the license for a fixed period, or may issue an order immediately revoking the license and ordering the wastehauler to discontinue hauling waste to the WRF or any other disposal locations approved by the director. The determination whether to deny issuance of a license to suspend a license, or to revoke a license, shall be in the discretion of ***the*** director and shall be dependent upon the circumstances surrounding the violations of subsection ***N***(1) ***of this section*** and the severity of those violations. If the wastehauler does not appear for the hearing, the director shall issue the order revoking the wastehauler's license and ordering the cessation of delivery of hauled waste at the WRF or any other disposal locations approved by the director, which order shall take effect immediately.

(c) The decision and order of the WRA director to deny issuance, to suspend or to revoke the license of a wastehauler may be appealed to the WRA appeal committee. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to WRA not less than 10 days after the director's entry of the order of denial, suspension or revocation. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
~~%~~Des Moines Metropolitan Wastewater Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa ~~50326~~ ***50317***

(d) The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing wastehauler. Such appeal shall be decided by majority vote of the appeal committee. If the appeal committee affirms the order of the WRA director denying issuance, suspending or revoking the license and ordering the cessation of waste deliveries at the WRF or other approved locations, the appeal committee shall so state and order in its written decision.

(e) A wastehauler whose license has been denied or revoked shall not be eligible for issuance or reinstatement of its license until 30 days after the violating conditions have been corrected to the satisfaction of the director.

O. ALTERNATIVE RELIEF.

Neither the WRA nor the City is precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief, in the event that the WRA or the City files a misdemeanor citation, notice of administrative penalty, and/or files a municipal infraction for the same violation of this Section, or in the event the WRA seeks to deny, suspend or revoke the wastehauler's license.

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

SECTION III. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid, or unconstitutional.

SECTION IV. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION V. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION VI. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

Published in the Press Citizen on this _____ day of _____, 2019.