NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: September 28, 2022

ITEM: Amendment to City Code - Amend Title 7 (Public Ways and Property), Chapter 8F (Industrial Waste)

Ordinance: Approval of Second Reading, Waive Third Reading and Adopt Ordinance Amendment
Resolution: Approval of Schedule of Rates, Fees and Charges

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).

In 2019 the City Council amended the ordinance to add 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).

The proposed amendment to the ordinance currently before the City Council adds *Non-Significant Categorical Industrial User* (*NSCIU*) and *Waste generator* to the definitions as well as applicable code sections.

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.

A memorandum is attached highlighting the substantive changes to the ordinance in lieu of the ordinance which was included in the City Council communication of September 19, 2022.

The WRA asked each community to certify the adoption of the amended administrative penalties. On June 1, 2009 the City Council formally approved the administrative penalties for violations of Chapter 8F; Fats, Oils, Grease (FOG) and Hauled Waste, the attached Resolution will amend those administrative penalties.

OUTSTANDING ISSUES (if any): None.

RECOMMENDATION: City Staff recommend the City Council approve the second reading, waive the third reading, and adopt the amendment to City Code, Title 7 (Public Ways and Property), Chapter 8F (Industrial Waste). City Staff further recommends the approval of the amended

administrative penalties.

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes	No	Split

CITY OF WEST DES MOINES, IOWA
OFFICE OF THE CITY ATTORNEY

To: Mayor Russ Trimble and West Des Moines City Council

From: Richard Scieszinski, City Attorney

Date: September 20, 2022

RE: Amendment to City Code - Proposed 2022 Revisions to Wastewater Reclamation Authority Fats, Oils and Grease Regulation

ARTICLE F.

REGULATION OF INDUSTRIAL, WASTEWATER, COMMERCIAL WASTEWATER AND HAULED WASTE

~~Strikethrough~~ represents deletion, underline represents addition.

Changes to Index.

Sec. 3.C Permit applications; baseline monitoring reports; compliance schedules.
Sec. 3.D Report on compliance by categorical ~~industries~~ users.

Sec. 4.F Performance and payment bonds.

Sec. 5K. ~~Inspection fees~~ Trip Charges.

Sec. 6.C. Issuance of License; payment bond requirements.

Sec. 6.F. Identification of Source and wasteload approval.

SECTION 1. GENERAL PROVISIONS REGARDING INDUSTRIAL WASTE

A. DEFINITIONS.

(40) Non-Significant Categorical Industrial User (NSCIU) is a Categorical user which never discharges more than 100 gallons per day of total categorical wastewater, as defined in 40 CFR 403.3 (v)(2).

(73) Waste generator means any person which hauls or has hauled on its behalf wastewater it generates to the WRF.

(82) WRA participating community or WRA participating communities means, individually or collectively, depending on context, the cities of Altoona, Ankeny, Bondurant, Clive, Cumming, Des Moines, Grimes, Johnston, Norwalk, Pleasant Hill, Polk City, Waukee and West Des Moines, and Polk County, Warren County, the Urbandale Sanitary Sewer District…

SECTION 2. INDUSTRIAL WASTEWATER TREATMENT AND PRETREATMENT.

B. DISCHARGE PROHIBITIONS.

(i) Any ~~R~~radioactive material as defined in the ~~wastes unless they comply with~~ Atomic Energy ~~Commission~~ Act of 1954, as amended, and as defined in I.C. 136C.1, except materials which meet conditions of disposal by release into sanitary sewerage pursuant to 10 CFR 20.2003~~, (68 Stat. 919 as amended and part 20, subject D, Waste Disposal, section 20.303 of the regulations issued by the Atomic Energy Commission, or amendments thereto)~~.

(l) Hazardous Waste Pharmaceuticals for human or animal use as defined in 40 CFR 266.500.

L. FEES.

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

i. The one-time wastewater discharge permit application fee shall be $200.00 for a class A permit and, $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, including annual inspection of permitted users, shall be $1,500.00~~1000.00.~~

iii. The annual fee for a class B wastewater discharge permit, including annual inspection of permitted users if completed or applicable, shall be $750.00~~400.00~~.

iv. The fee paid by each industrial user when an accidental discharge or slug load occurs shall be the total of all costs incurred by the WRA as a result of said discharge or load. Said fee may be charged by the WRA separately from and in addition to a civil penalty of up to $1,000.00 charged to the user under Section 4.E of this article related to said discharge or load ~~up to $1,000.00. The fee shall reimburse the WRA for any costs incurred as a result of the discharge~~.

v. The trip charge ~~fee~~ for sampling or inspecting a user's discharge shall be $50.00 per ~~day~~ event. An equipment fee of $50.00 per event shall also apply when using a WRA-owned~~24-hour~~ automatic sampler. ~~The fee for subsequent consecutive days and for collecting grab samples shall be $25.00 per day.~~ When a sampling or inspection 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, monitoring facilities not being readily accessible or operational, or any other reason beyond the control of the WRA, a trip charge of $~~25~~50.00 ~~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.~~

xi. Prohibitive waste charges for each pollutant discharged in excess of permit or ordinance limits shall be $~~25~~50.00 per violation ~~day~~ for class B permit holders and $100~~50~~.00 per violation ~~day~~ for class A permit holders. ~~High strength~~ ~~e~~Charges shall double if discharges exceed ~~are~~ slug threshold values ~~loads~~. Payment of fees does not preclude other enforcement action and may not be paid in lieu of compliance with discharge limitations.

xii. At the WRA's discretion, administrative cost recovery fees may be assessed separately to a user or added to a user's disposal fee for actions or occurrences subject to Section 6 of this article which result in the need for additional labor, equipment, and/or materials from the WRA or its contractors, including but not limited to cleanup of spills, infrastructure maintenance, improper scale transactions, improper disposal, and waste source verification. Fees shall be assessed based on the actual costs incurred by the WRA, or on the estimated costs incurred by the WRA rounded down to the nearest multiple of twenty based on actual rates for labor, materials, and equipment with a minimum fee of not less than $20.00. Fees under this section (xii) will be charged in addition to charges, fines, fees, or other costs associated with rejected, unapproved, or atypical wastes under sections 6.I and 6.J of this chapter. ~~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. Commencing October 1, 2022 until June 30, 2025, surcharges shall be assessed in accordance with the following rate schedule:

	Surcharge per Pound of Pollutant for the Period:		
Pollutant	10/1/2022 – 6/30/2023	7/1/2023 – 6/30/2024	7/1/2024 – 6/30/2025
Total suspended solids in excess of 250 mg/l	$ 0.18	$ 0.20	$ 0.22
BOD or CBOD in excess of 200 mg/l	0.14	0.17	0.21
TKN in excess of 30 mg/l	0.55	0.49	0.42

Oil and grease in excess of 100 mg/l	0.08	0.10	0.11

~~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~~

Commencing on July 1, 2025, surcharge rates listed in the above table shall be annually adjusted as of July 1 of each year to increase two percent per annum rounded to the nearest whole cent.

SECTION 3. INDUSTRIAL WASTEWATER DISCHARGE PERMITS AND REPORTING REQUIREMENTS

C. PERMIT APPLICATIONS; BASELINE MONITORING REPORTS; COMPLIANCE SCHEDULES.

Users applying for a wastewater discharge permit or categorical users 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.

(b) Existing users subject to new National Categorical Pretreatment Standards must, within 180 days after the effective date of the standard, submit a baseline monitoring report prescribed by the WRA. New users subject to National Categorical Pretreatment Standards must submit a baseline monitoring report prescribed by the WRA at least 90 days prior to commencement of discharge to the POTW. A baseline monitoring report shall include: ~~such an application. The following information is required:~~

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

(ii) ~~The n~~Name of the operator and owners of the facility ~~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~~A list of ~~any~~ all environmental control permits held by or for the facility.

(iv)A description of the operations including the average rate of production, applicable Standard Industrial Classification (SIC) codes, schematic process diagrams, and points of discharge to the POTW from regulated processes. ~~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) Daily average and daily maximum flow measurements for regulated process waste streams and nonregulated waste streams where necessary ~~Time and duration of all discharges~~.

(vi) The categorical user shall identify the pretreatment standards applicable to each regulated process and shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required) of pollutants contained therein which are limited by the applicable pretreatment standards from each regulated process ~~Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any~~.

(vii) The user shall take a minimum of one representative sample immediately downstream of any pretreatment facility or immediately downstream of each regulated process if no pretreatment exists and prior to mixing with other waste to compile that data necessary to comply with this requirement. 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 concentration 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.

Sampling and analysis shall be performed in accordance with 40 CFR 136 or other verified method approved by the WRA director ~~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 time, date, and place of sampling, methods of analysis, and certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW ~~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) Historical data may be allowed by the WRA director so long as the data provides information sufficient to determine the need for industrial pretreatment measures ~~Each product produced by type, amount, process and rate of production~~.

(x) Certification by an authorized representative of the user as referenced in Section 3.M and certified to by a qualified professional 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 ~~Type and amount of raw materials processed (average and maximum per day)~~.

(xi) If additional pretreatment or O&M will be required to meet pretreatment standards, requirements, discharge limits as set forth in Section 2.B, 2.C, 2.D of this article, or any other limit set by the WRA director, 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 later 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 (b)(xi)a of this section 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, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and 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 ~~Number and type of employees and hours of operation and proposed or actual hours of operation of the pretreatment facility~~.

(xii) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. 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 ~~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.~~

(c) New significant users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW as required in subsection (b)(vii)-(ix) of this section for all parameters deemed necessary by the WRA director.

(d) New or existing industrial users not subject to categorical pretreatment standards who fail to meet local, state, or federal pretreatment standards or other permit requirements on a consistent basis shall be subject to compliance schedules for additional pretreatment or O&M as outlined in subsection (b)(xi) of this section.

(e) 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 USERS~~INDUSTRIES~~.

Users subject to National Categorical Pretreatment Standards shall submit a report to the WRA director containing the information described in ~~subs~~Sections 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 long term 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:

SECTION 4. ENFORCEMENT OF INDUSTRIAL WASTEWATER REGULATIONS

F. PERFORMANCE AND PAYMENT BONDS.

(1) 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 $100,000.00. The user shall use a bond form prescribed by the WRA.

(2) The WRA director may require any user, including any permitted or non-permitted waste generator which sends its wastewater by truck to the WRF, to obtain a bond payable to the WRA with reasonable surety in a penal sum which will adequately cover treatment costs, surcharges, fees, or any other charges associated with discharge of wastewater to the POTW in the amount as listed in section 6.C. 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:

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

(k) Failure to pay actual costs for negligent damage, or actual costs and penalties charged for grossly negligent or intentional damage, to the POTW not addressed elsewhere in this article.

(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:

(f) 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~~500.00 for WRA supervision.

I. REINSTATEMENT OF SERVICE.

(a) Upon payment to the WRA of any delinquency in full, supervision fee of $500~~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.

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

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

(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 percent~~%~~ of the design liquid level of the grease interceptor or trap, or sooner if necessary to prevent carry over of FOG from the grease interceptor or trap into the city sanitary sewer system. 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 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, such person or persons may clean the grease 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, t~~The owner or operator of an FSE ~~may~~ shall 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 personnel performing the grease interceptor cleaning 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:

(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 or drainage fixture connected to the sanitary sewer, for the purpose of reducing the volume of waste and wastewater to be disposed of.

(5) The WRA ~~Director~~ 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~~. Grease haulers certified by the WRA shall be subject to a grease interceptor cleanout inspection by WRA personnel, not less than once every two years, for purposes of the hauler demonstrating its compliance with requirements in this section. Such inspections shall be scheduled at a time which coincides with normal working hours for WRA personnel, shall involve all individuals employed by the same company who have been issued a grease hauler certification by the WRA, and shall be conducted at an FSE within the WRA service area. Failure to follow WRA's cleanout procedures or other requirements of this section may result in fines, additional scheduled cleanout inspections, and loss of grease hauler certification status, individually or company-wide, with the WRA.

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) may be used in a grease interceptor.

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, for routine cleanouts by the owner or operator's licensed grease hauler, 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 ~~facilities~~ to allow for proper inspection, accurate sampling and preparation of samples for analysis. The monitoring facilities shall be maintained such that the device(s) is readily and immediately accessible for inspections and cleanouts being free of coverings, building materials, pavements, or any other obstructions.

(b) ~~Shall a~~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, u~~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 and effluent tees, and that all grease interceptors, traps, and related equipment and piping is maintained in efficient operating condition.

(d) ~~Shall a~~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~~TRIP CHARGES.

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. A trip charge of $50.00, as referenced in Section 2.L, shall be assessed in conjunction with the violation of any requirement of Section 5.J which results in the need for WRA personnel to reschedule such inspection of grease

interceptor/trap or food service establishment, and shall be paid within 30 days of the date of the invoice for such charge.

SECTION 6. REGULATION OF HAULED WASTE*

C. ISSUANCE OF LICENSE; PAYMENT BOND REQUIREMENTS.

(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~~ a penal sum ~~of $10,000.00~~ which shall cover no less than two months of average or estimated treatment fees at the WRF for the faithful compliance with this Section, including prompt payment of treatment costs, surcharges, fees and~~,~~ fines ~~and damages~~. Bond amounts shall be up to $100,000.00 but not less than $20,000.00 and structured as follows or as required by the WRA director:

Total Monthly Treatment Fees	Surety Bond Amount
< $10,000	$20,000.00
$10,001 - $20,000	$40,000.00
$20,001 - $40,000	$60,000.00
> $40,001	$100,000.00

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 $20~~10~~,000.00 in lieu of providing a surety bond.

F. IDENTIFICATION OF SOURCE AND WASTELOAD APPROVAL.

(1) 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~~ and shall also include: (i) the name~~,~~ and address ~~and phone number~~ of the waste generator(s), (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.

(2) The waste hauler or waste generator 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. A hauled waste profile form prescribed by the WRA must be completed by the

waste generator and submitted to the WRA director or his or her designee for consideration for waste load disposal at the WRF. Such profile form shall include information regarding the waste generator's name, address, phone number, authorized representative, waste description and product information, anticipated volume and frequency of disposals, waste transporter information, process waste characteristics including pollutant concentrations, declarations, certifications, and signature of authorized official.

H. STANDARDS OF DISPOSAL AT WRF.

(1) 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 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 WRA 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 WRA director.

(2) All disposal transactions at the WRF shall consist of waste haulers scaling in and scaling out on the WRF scales system. Prior to discharging any contents from their vehicle, a waste hauler shall:

(a) Collect onsite at the WRF a sufficient sample of the waste material onboard.

(b) Test and record the pH and immediately report any results that do not meet disposal limits as listed in 2.B.

(c) Document on the WRF manifest all contents of the waste load including waste type, source information, and any other information consistent with identification and tracking of wastes as required in Section 6.F.

(d) Request and obtain approval from WRF Operations to begin unloading at the WRF digesters.

J. TREATMENT FEES FOR HAULED WASTES.

(1) A treatment fee shall be charged per pound of hauled waste disposed of at the WRF and assessed based on the waste type, pollutant loading, approved disposal location, and location of the source material. The fee for treatment shall include electrical, chemical, labor, equipment, fuel, maintenance, and any capital costs associated with the treatment processes utilized. The treatment fee shall reflect a total cost per gallon or per pound of hauled waste equaling the sum of the total cost of pollutants per gallon or per pound plus, if applicable, total cost of flow per gallon, based on: (1) the parameters of chemical oxygen demand (COD), estimated biochemical oxygen demand (BOD), total suspended solids (TSS) and/or total solids (TS), volatile solids (VS), total Kjeldahl nitrogen (TKN), oil and grease (O&G), and, if applicable, total phosphorus (TP) contained in trucked waste to the WRF; (2) net weight of the wasteload in pounds; and (3) the treatment surcharge component rate per pound of pollutant as found in Section 2.L of this Section. Wasteloads disposed of at an unapproved location at the WRF, or containing pollutant concentrations different from typical pollutant concentrations or from original disclosures made during the wasteload approval process, may be subject to the following additional costs: treatment fees, charges, or fines may also be applied pursuant to Section 2.L. ~~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 per the U.S. Bureau of Labor Statistics Consumer Price Index. The WRA shall provide 30 days' notice prior to assessing updated disposal rates with such notices posted, at a minimum, on the WRA website ~~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 unless otherwise approved by the WRA director.

(3) ~~Fees~~ Wasteload disposal weights shall be computed and recorded at the ~~disposal~~ WRF truck scales~~station~~ and the resulting treatment fees shall be paid by the waste hauler or waste generator, at the WRA's discretion, 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 or waste generator's bond and for refusal of disposal services to any waste hauler or waste generator under this Section.

(4) Waste haulers and waste generators may elect to have their ~~loads~~ routine waste streams tested for actual concentration at their expense as set ~~out~~forth in Section 2.L and as approved by the WRA director. When a waste hauler or waste generator has elected to ~~have loads~~ test~~ed~~ 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~~semi-annually or as required by the WRA director.

RESOLUTION NO. _____

AMENDING SCHEDULE OF ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF INDUSTRIAL PRETREATMENT ORDINANCE REGULATING HAULED WASTE AND REGULATING FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS IN CHAPTER 8, ARTICLE F OF THE MUNICIPAL CODE OF THE CITY OF WEST DES MOINES

WHEREAS, the Schedule of Administrative Penalties, adopted by the West Des Moines City Council by resolution, includes penalties for Industrial Pretreatment Ordinance Violation Relating to Regulation of Hauled Waste pursuant to Sections 7-8F-6.B through 7-8F-6.J of the Municipal Code, and further includes penalties for Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments pursuant to Section 7-8F-5.D and Sections 7-8F-5.F through 7-8F-5.K of the Municipal Code; and

WHEREAS, an amendment to said Schedule of Administrative Penalties in relation to said Municipal Code Sections has been prepared for Council consideration and is recommended for adoption, in form attached hereto and on file in the Office of the City Clerk.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTS DES MOINES, IOWA, that the amendment to the Schedule of Administrative Penalties, in form attached hereto and incorporated by this reference herein, revising specified penalties for Industrial Pretreatment Ordinance Violation Relating to Regulation of Hauled Waste pursuant to Sections 7-8F-6.B through 7-8F-6.J of the Municipal Code, and revising specified penalties for Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments pursuant to Section 7-8F-5.D and Sections 7-8F-5.F through 7-8F-5.K, is hereby approved and adopted.

BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties, as amended by this Resolution, shall be maintained on file in the office of the City Clerk and the Public Works Department for public reference, and that the amendment to the fees therein established shall become effective upon and as of October 1, 2022.

PASSED AND APPROVED, this _____ day of _____, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

SCHEDULE OF ADMINISTRATIVE PENALTIES

for Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments

The following schedule of administrative penalties for violations of Title 7, Chapter 8, Article F, of the City of West Des Moines Municipal Code shall be charged pursuant to Sec. 7-8F-5.M:

VIOLATION	PENALTY	
	First Violation within 12 months	Second & Subsequent Violations within 12 months
Sec. 7-8F-5.D Failure to install, operate or maintain grease interceptor/trap	$ 100	$200
Sec. 7-8F-5.F Failure to comply with WRA director order	$100	$200
Sec. 7-8F-5.G Inadequate installation of grease interceptor/trap ~~and grease trap~~	$100	$200
Sec. 7-8F-5.H Failure to operate, maintain and clean grease interceptors/trap	$100	$200
Sec. 7-8F-5.I Failure to maintain records	$100	$200
Sec. 7-8F-5.J Failure to provide, operate and maintain accessible monitoring facilities and allow inspections	$100	$200
Sec. 7-8F-5.K Failure to pay charges, fines, or ~~inspection~~fees.	$100	$200

Notice of violation with the applicable penalty for such violations noted thereon shall be issued to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the City Clerk's Office, City Hall, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50309.

SCHEDULE OF ADMINISTRATIVE PENALTIES

for Industrial Pretreatment Ordinance Violations Relating to Regulation of Hauled Waste

The following schedule of administrative penalties for violations of Title 7, Chapter 8, Article F, of the City of West Des Moines Municipal Code shall be charged pursuant to Sec. 7-8F-5.M:

VIOLATION	PENALTY	
	First Violation within 12 months	Second & Subsequent Violations within 12 months
Sec. 7-8F-6.B Failure to obtain a license	$ 100	$200
Sec. 7-8F-6.C Failure to pay application fee or provide bond.	$100	$200
Sec. 7-8F-6.D Failure to comply with vehicle and equipment standards.	$100	$200
Sec. 7-8F-6.E Improper disposal of hauled wastes.	$100	$200
Sec. 7-8F-6.F Failure to provide source and disposal information.	$100	$200
Sec. 7-8F-6.G Improper m~~M~~ixture of ~~residential and nonresidential~~waste types and/or sources.	$100	$200
Sec. 7-8F-6.H Failure to comply with disposal standards	$100	$200
Sec. 7-8F-6.I Failure to remove or dispose of rejected wastes	$100	$200
Sec. 7-8F-6.J Failure to pay treatment fees or other charges	$100	$200

Notice of violation with the applicable penalty for such violations noted thereon shall be issued to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the City Clerk's Office, City Hall, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50309.