

CHAPTER VII

PUBLIC UTILITIES

Section 700 – Sewer System

700.01 General Provisions. Subdivision 1. Purpose. This Section sets forth uniform requirements for discharges into the City's wastewater disposal system and enables the City to comply with all state and federal laws. This Section also establishes the determination and levying of charges of all users discharging thereto.

The objectives of this Section are:

- a) to prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use or disposal of the sludge;
- b) to establish the authority to determine and levy user charges that are necessary for the efficient, economic and safe operation of the City's wastewater disposal system for the protection of the health, safety and general welfare of the public; and
- c) to establish a system of regulation and charges which will provide effective operation of the City's wastewater disposal system in compliance with applicable standards and regulations of the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.

700.03 Definitions. Subdivision 1. For the purpose of this Section, the following words, terms and abbreviations have the meaning given them.

Subd. 2. Act. The Clean Water Act (33 U.S.C. 1251 et seq., as amended).

Subd. 3. Biochemical Oxygen Demand (BOD) - (1) the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature, and under specified conditions; (2) a standard test used in assessing wastewater strength.

Subd. 4. Brainerd Public Utilities Commission (BPUC) – the Public Utilities Commission of the City of Brainerd.

Subd. 5. Capital Costs. All costs and expenses incurred in planning, designing, financing, and constructing wastewater collection, conveyance, and treatment works.

Subd. 6. City. City of Brainerd, Minnesota.

Subd. 7. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, sometimes called the house connection or service connection.

Subd. 8. Chemical Oxygen Demand (COD). A measure of the oxygen equivalent of that portion of organic matter that is susceptible to oxidation by a strong chemical oxidant, using EPA approved laboratory procedures.

Subd. 9. Combined Sewer. A sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

Subd.10. Commercial. All users of the system classified as industrial users in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented under Divisions A, B, D, E, and 1, but who are excluded from such definition for the purposes of this Section because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences; the classification shall not include such exempt users who are otherwise classified in this Section as domestic users, government users, or industrial users.

Subd. 11. Contract User. Any users who have a special contract or agreement with the City which allows discharge of wastes into the City's sewer system.

Subd. 12. Construction. Any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of water works, or the inspection or supervision of any of the foregoing items.

Subd.13. Debt Retirement Costs. The combined principal and interest payments necessary to pay bonded indebtedness.

Subd. 14. Domestic User. Those establishments of which its regular occupants, if any, are usually considered a domestic service and whose discharge consists solely of sanitary wastes.

Subd.15. Domestic Wastewater. Wastewater derived principally from a dwelling due to domestic activities. It may or may not contain groundwater, surface water, or storm water.

Subd.16. Flow. The quantity of sewage expressed in gallons or cubic feet per 24 hours.

Subd. 17. Garbage. Solid wastes resulting from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables, condemned food.

Subd.18. General Municipal User. Any user discharging sewage to the general municipal flow other than industrial users, municipalities, and other contract users. This category of user includes as dories, domestic users, commercial users, institutional users, governmental users, which are not contract users.

Subd.19. Government User. Those establishments who function is the administration and execution of government programs as well as the offices of executives, legislative bodies, and agencies which provide general support services for government.

Subd. 20. Grantee. Any municipality which has been awarded a grant for construction of a treatment works: in this instance, the City.

Subd. 21. Industrial Wastewater. The liquid waste resulting from the pros employed in industrial, manufacturing, trade or business establishments as distinct from domestic wastes. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated ground water disposed into public sewers is industrial waste.

Subd. 22. Infiltration. The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Subd. 23. Infiltration /Inflow. The total quantity of water from both infiltration and inflow without distinguishing the source.

Subd. 24. Inflow. The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers anal combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage: inflow does not include, and is distinguished from, infiltrations.

Subd. 25. Interceptor Sewer. A sewer whose primary purpose is to transport or convey wastewaters from collector sewers to a treatment facility.

Subd. 26. Interference. The inhibition or disruption of the (City's) wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the (City's) NPDES or State Disposal System Permit. The teams includes prevention of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act (33 U.S.C. 1251 et seq.) or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the City.

Subd. 27. Institutional User. Those establishments engaged in activities of a noneconomic nature, frequently being the performance of services for the general public (health, education, social), and not classified as a governmental or commercial user in this Section.

Subd. 28. Leachate. Wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.

Subd. 29. Liquid Waste Hauler. Any person who transports waste for the purpose of discharge into public sewers.

Subd. 30. Load. Quantities of sewer characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs./24 hours).

Subd. 31. Local Charge. A treatment charge assessed by the City to liquid waste haulers based on waste volume and strength.

Subd. 32. Monitoring. The measurement, sometimes continuous, of water quality.

Subd. 33. National Pollution Discharge Elimination System Permit or NPDES Permit. The system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Administrator of the Environmental Protection Agency pursuant to Section 402 and 405 of the Federal Water Pollution Control Act Amendment 1972.

Subd. 34. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Subd. 35. Noncontact Cooling Water. Water used for cooling purposes that does not contact raw materials, work pieces or a finished product. Noncontact cooling water discharged to public sewers is industrial waste.

Subd. 36. Operation and Maintenance Costs (O & M Costs). The expenses related to the costs of the operation, maintenance, replacement, and administration of the total treatment works or system.

Subd. 37. Pass-through. A discharge of sewer pollutants that flows from the City's treatment plant into the receiving stream in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant's NPDES/SDS permit, including an increase in the magnitude or duration of a violation.

Subd. 38. Person. Any individual, firm, company, association, society, corporation, municipal corporation, government unit, or group.

Subd. 39. pH. This shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Subd. 40. Pretreatment. The application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the publicly-owned wastewater treatment system.

Subd. 41. Pretreatment Solids. Any materials that are formed, concentrated, or removed by pretreatment performed by any person.

Subd. 42. Process Water. Any water used in the manufacturing, preparation production of goods, materials, or food. Process water is an industrial waste.

Subd. 43. Public Sewer. Any sewer owned or operated by a unit or agency of government.

Subd. 44. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Subd. 45. Sanitary Sewer. A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions.

Subd. 46. Sanitary Wastes. The liquid and water-carried wastes discharged from sanitary plumbing facilities.

Subd. 47. Sewage or Wastewater. The water-carried waste products from residences, public buildings, institutions, industrial establishments, or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present

Subd. 48. Sewage Collection. Each, and all, of the common lateral sewers within a publicly-owned treatment system which are primarily installed to receive waste waters directly from facilities which convey waste water from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey waste water from individual structures, from private property to the public lateral sewer, or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are cost effective and are owned and maintained by the grantee.

Subd. 49. Sewer. A pipe or conduit for carrying sewage, industrial waste, or other waste liquids.

Subd. 50. Sewer System or Sewerage System. Pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes, or other wastes to a point of ultimate disposal.

Subd. 51. Shall is mandatory, May is permissive.

Subd. 52. Significant Industrial User. Any industrial user of the City's Wastewater Treatment System whose flow (1) exceeds 25,000 gallons or more per average work day; (2) has exceeded five percent of the flow carried by the City's Wastewater Treatment System during any day in the past year; (3) has in its waste a toxic pollutant, in toxic amounts, as defined by standards issued and effective under Section 307 (a) of the Federal Water Pollution Control Act (Pub.L. 92500) or as defined by Minnesota statutes and rules; (4) has significant impact, either individually or in combination with other contributing industries, on the City's Wastewater Treatment System of the quality of its effluent; (5) has significant impact on the quality of sludge produced by the Wastewater Disposal System, or; (6) has a significant impact on air emission of the Wastewater Disposal System.

Subd. 53. Slug. Any discharge of water, warm or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration, qualities, or flows during the normal operation.

Subd. 54. Storm Sewer (sometimes tamed "storm drain"). A sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

Subd. 55. Superintendent. The Superintendent of the wastewater disposal system of this City or the person's duly authorized representative.

Subd. 56. Total Kjeldahl Nitrogen (TKN). A measure of total organic and ammonia nitrogen, using EPA approved laboratory procedures.

Subd. 57. Total Suspended Solids (TSS). The residue material from a wastewater sample after filtration, using EPA approved laboratory procedures.

Subd. 58. Treatment Works/Wastewater Disposal System. Any devices and systems for the storage, went, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes used to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the useful life of the works. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and

other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alteration hereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Subd. 59. User. Any person, firm, corporation, or other entity, whether municipal or otherwise, discharging sewage into the disposal system.

Subd. 60. Useful Life. Estimated period during which a treatment works will be operated.

Subd. 61. User Charge. A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost operation and maintenance (including replacement) of such works.

(Amended Ord. 837 – 1985, Ord. 1046 - 1998)

700.05 Use of Public Sewers. Subdivision 1. General Sewer Use Regulations. The public sewer of the City are governed by the provision of this Section.

Subd. 2. Discharge. It is unlawful to discharge to any natural outlet within the City Limits or City jurisdiction any sewage or other pollutant waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.

Subd. 3. Cesspools, Private Systems. It shall be unlawful to either construct, maintain, use or permit to be used any cesspool, privy, or privy vault on any part of any lot or parcel of land in the City abutting a public sanitary sewer with which a sewer connection may be made, if said structure on parcel of land is within 500 feet of said public sanitary sewer.

(Amended Ord. 1046 – 1998, Ord. 1115 – 2001)

Subd. 4. Water Service Terminated. Whenever any privy, privy vault, or cesspool is either erected, constructed or used, contrary to the provisions of this Section on any premises in the City, the water supply from the City waterworks, thereto, shall be terminated and shall remain cut off until the BPUC is satisfied that such violation of this Section has ceased and until the expense of turning off and turning on the water has been paid together with whatever fine for violation of this Section may be assessed.

Subd. 5. Compelling Connection. Whenever there is a public sewer in the public highways or grounds upon which abuts any part of any lot or parcel of land in the City within the distances prescribed in Section 700.05, Subd. 3, the owner or occupant of such parcel of land shall connect said premises with said public sewer by a sufficient sanitary sewer within 12 months (1 year) of the availability of the public sewer. Connection shall not be required within 12 months (1 year) if the owner or occupant can show evidence of a Certificate of Compliance that the existing private system satisfactorily passes a compliance inspection as set forth in Minnesota Rule Chapter 7080. Inspections are hereby required every three (3) years. In the event the existing private system is, at the time of initial or any subsequent inspection a failing system, or becomes an imminent threat to the public health or safety as defined by Minnesota Rule 7080, the BPUC shall serve upon such owner or occupant ten days' notice in writing specifying the time when such sewer connection or connections must be made and completed and if the said owner or occupant neglects to complete the same within the time specified, in addition to the penalties imposed for a violation of any provision of this Section, the BPUC may cause it to be done and shall either recover the whole amount of the expense thereof by an action against the owner, in the name of the City, before any court jurisdiction thereof, or assess the same against said premises pursuant to law.

(Amended Ord. 1046 – 1998, Ord. 1115 – 2001, Ord. 1197 – 2003)

Subd. 6. Preliminary Treatment. Where preliminary treatment facilities are required or provided for any wastes, they shall be maintained continuously in effective operation by the sewer user at its expense. Failure to do so shall void the right of sewerage system use and the BPUC reserves the right to discontinue service.

Subd. 7. Control Manholes. The BPUC may as a condition of providing sewer service require a control manhole built on the building sewer at owner's expense to facilitate observation, sampling, inspection, and measurement of wastes. Such manhole when required shall be accessible, safely located, and built in accordance with City standards for sewer manholes. The necessity of a control manhole will be based on sewage volume, whether it is a processing waste, or an industrial waste and whether the waste requires control within the operation to meet acceptable conditions for discharge to the sewage system.

Subd. 8. Special Agreements. Nothing within this Sewer Section shall be interpreted to require the service of sewage wastes at published sewer rates when such waste may impair the system or cause a higher than normal expense in operation of the sewerage system. Nor shall the Sewer Section be interpreted to prohibit the handling of deleterious wastes, requirements for pretreatment, or sewer service rates higher than published rate on an agreement basis. Such agreements may be approved by the BPUC after considering the problems in handling, the effect on the sewerage system and the cost of handling the waste. Special agreements are not allowed which would (1) cause the violation of the existing NPDES permit or State Disposal System permit and (2) allow any user subject to National Categorical Pretreatment Standards to circumvent their requirements.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 9. Entry on Premises. Duly authorized City and BPUC employees bearing proper identification shall, at reasonable times, be permitted to enter upon properties served by sanitary sewers for the purpose of inspection, measurement, sampling and testing in connection with operation of the sewer system.

Subd. 10. Contractors' Responsibility. Contractors employed on City contracts, plumbers, and other persons engaged in construction or maintenance activity where there is connection to or danger of damage to the sewer system shall exercise particular care to protect the sewer system, and shall at all times protect, keep foreign materials out, and accomplish construction or connections, in a neat and workmanlike manner. Failure to do so shall be a violation of this Section and shall not stop the City from correcting the damage or removing the foreign material, if necessary on an overtime basis, and collecting the costs therefore. For other than immediate necessary repair or removal a five-day written notice shall be deemed adequate notice to the party to repair damage, correct faulty construction or remove material from the sewerage system.

Subd. 11. Storm Water Connections. Roof, ground water, or surface drain connections to the City's sanitary sewer system is prohibited.

Subd. 12. Entrance into Manholes. Entrance into sewer manholes or opening the same for any purpose whatever except by duly authorized City or BPUC employees or their agents is prohibited.

700.07 Prohibitions and Limitation. Subdivision 1. General Discharge Prohibitions. No user shall discharge or cause to be discharged, directly or indirectly, any of the substances described in this Subsection into the wastewater disposal system or to any public sewer.

Subd. 2. Explosive Gases. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

Subd. 3. Grease, Garbage, Etc. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

Subd. 4. Hazardous Fluids. Any wastewater having a pH less than 5.0 or higher than 10.0 or having any other corrosive property capable to causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

Subd. 5. Toxic Pollutants. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants or inhibit or disrupt any wastewater treatment process, constitutes a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

Subd. 6. Noxious Fluids. Any noxious of malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for their maintenance and repair.

Subd. 7. Dyes, Etc. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

Subd. 8. Other Violations. Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or section of any public agency or state or federal regulator body.

Subd. 9. Heated Wastewater. Any wastewater having a temperature greater than 150 degrees F. (65.6 degrees C.), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F. (40 degrees C.) or having heat in amounts which will inhibit biological activity in the Treatment Works resulting in interference.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 10. Slug Loads. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations, quantities, or flow of the user during normal operation.

Subd. 11. Unpolluted Water. Any unpolluted water, including but not limited, to noncontact cooling water, unpolluted storm or groundwater.

Subd. 12. Excess Grease and Oil. Any wastewater containing fats, wax, grease, or oils of animal or vegetable origin whether emulsified or not, in excess of +150 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F. (0 degrees C. and 65.6 degrees C.); and any wastewater containing oil and grease concentration of mineral origin of greater than +100 mg/l, whether emulsified or not.

Subd. 13. Inert Suspended Solids. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater disposal system.

Subd. 14. Other Prohibited Substances. No user shall discharge to any public sewer any discharge which causes interference, as defined, with the wastewater disposal system. Pollutants in the effluent from an industrial user shall not be considered to cause interference where the industrial user is in compliance with specific prohibitions or standards developed by Federal, State, or Local governments. Where the industrial user is in compliance with such specific prohibitions or standards and pollutants in the effluent from the industrial user's facility nevertheless are determined to have caused or significantly contributed to a violation of any requirement of the City's NPDES or State Disposal System Permit, and are likely to cause such a violation in the future, the BPUC must take appropriate action to develop and enforce specific effluent limits for that industrial user to ensure renewed and continued compliance with the City's NPDES or State Disposal System Permit.

Subd. 15. Strong Acid or Plating Solutions. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

Subd. 16. Phenols. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plan.

Subd. 17. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it.

Subd. 18. Water Insoluble Oils. Any water insoluble oils, including but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.

Subd. 19. Medical Wastes. Whole, ground or shredded glassware, needles and other sharps, plastic and textile objects from hospitals, physician and dentist offices, clinics, veterinary facilities, other health care facilities, mortuaries, blood banks, laboratories of any kind and food preparation facilities.

Subd. 20. Infectious Wastes. Wastes, other than domestic wastes, that are infectious except as provided for in an acceptable infectious waste management plan submitted to Minnesota Department of Health or Minnesota Pollution Control Agency pursuant to Minnesota Statute 116.75-116.83.

Subd. 21. Foam Producing. Any material containing foam or foam producing substances in sufficient quantities to cause a public nuisance, operational problems in public sewers or cause interference or pass-through.

Subd. 22. Pretreatment Solids. Any pretreatment solids from an industrial pretreatment system except as provided in Section 700.13.

Subd. 23. Outside of City Wastes. Any wastes generated outside the City Limits, unless prior approval has been obtained from the Superintendent.

Subd. 24. Hazardous Wastes. Any hazardous wastes, as defined by Minnesota Statutes, Section 116.06 Subdivision 13 and Minnesota Rules Chapter 7045, unless prior approval has been obtained from the Superintendent and such discharge does not constitute a violation of Local, State or Federal law.

Subd. 25. Food Processing Wastes. Garbage, discarded material and grease from nondomestic sources which results from the handling, processing, storage, preparation, serving and consumption of food, when the effect of such disposal into public sewers is the avoidance of site solid waste disposal; provided, however, that this Section does not prohibit sink-fed garbage disposal units used for incidental food waste disposal.

700.09 Limitation on Wastewater Strength. Subdivision 1. National Categorical Pretreatment Standards. National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Section.

Subd. 2. State Requirements. State requirement and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable Section of this Code.

Subd. 3. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives stated in Subsection 700.01 of this Section.

Subd. 4. Dilution. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards, or contained in any state requirements.

Subd. 5. Supplemental Limitations. The BPUC may impose additional specific limitations on any wastewater that is to be discharged into the City's wastewater disposal system.

Subd. 6. Specific Local Discharge Limitations. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged into public sewers any waste that causes the total facility discharge to exceed the following concentration limitations and mass loading limitations:

| <u>Pollutant</u> | <u>Per Load Grab Sample mg/L</u> | <u>Month Avg. mg/L</u> | <u>Max for Any One Day – mg/L</u> | <u>Cumulative Mass Discharge lbs/Semi-annual</u> |
|-----------------------------|--|----------------------------|---------------------------------------|--|
| Cadmium (Cd) | 0.26 | 0.26 | 0.69 | - |
| Chromium, Total (Cr) | 1.71 | 1.71 | 2.77 | - |
| Copper (Cu) | 2.07 | 2.07 | 3.38 | - |
| Cyanide, Total (Cn) | 0.65 | 0.65 | 1.20 | - |
| Lead (Pb) | 0.40 | 0.40 | 0.69 | - |
| Nickel (Ni) | 1.00 | 1.00 | 1.75 | 50 |
| Zinc (Zn) | 1.49 | 1.49 | 2.61 | - |
| <u>Industrial User</u> | | | | |
| BOD | - | 210 | - | - |
| TSS | - | 235 | - | - |
| <u>Liquid Waste Haulers</u> | | | | |
| BOD & TSS | 10,000 | - | - | - |

Semi-annual mass loading periods will be from May 1 to October 31 and November 1 to April 30.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

700.11 Accidental Discharges. Each user shall provide protection from accidental discharge or prohibition materials or other substances regulated by this Section. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and shall be approved by the Superintendent before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Section. Users shall notify the Superintendent immediately upon having a slug of accidental discharge of substances or wastewater in violation of this Section in order to enable counter measures to be taken by the Superintendent to minimize damage to the wastewater disposal system and the receiving water. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the BPUC on account thereof under any state or federal law. A notice shall be permanently posted

on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

700.13 Pretreatment Requirements. Subdivision 1. General Pretreatment Requirements. Users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Superintendent under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Superintendent prior to the user's initiation of the changes.

Subd. 2. Records. All records relating to compliance with pretreatment standards shall be made available by the Superintendent to Officials of the EPA or MPCA upon request.

Subd. 3. User Reports. Any user subject to a national categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of commencement of a new discharge to the wastewater disposal system, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subsection 700.15, Subdivision 2 or 700.21 of this Section. The Superintendent may agree to alter the months during which the above reports are to be submitted. Refer also to the self-monitoring reports required in Subsection 700.21.

Subd. 4. Trap and Separator Installations. Oil, grease, sand, and flammable waste traps shall be installed for the proper discharge of wastewater containing excessive amounts of oil, grease, sand, or flammable liquids when required by the Minnesota Plumbing Code, Minnesota Rules Chapter 4715, or where the Superintendent determines such traps are necessary. All separators and traps shall be designed and installed to meet the minimum required specifications provided in Minnesota Rules 4715. Notwithstanding the provisions of Minnesota Rules 4715, the Superintendent may require traps and separators of sufficient size and capacity to meet the requirements of these rules. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of pretreatment solids. To prevent overloading, flow control baffles and any necessary inlet flow control fitting shall be provided. Each separator or trap shall be installed to be readily accessible for removal of cover, servicing, and maintenance. If installed substantially below grade, safe access shall be provided. Separators

and traps shall be maintained in efficient operating condition by periodic removal of any accumulated pretreatment solids. Floating materials shall be removed when the accumulation is within two inches of the outlet. Settled solids shall be removed when the solids reach 75 percent of the trap or separator capacity.

Subd. 5. Sludge Generated. Sludges, floats, skimmings, and similar material, generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all Federal, State, and Local regulations.

700.15 Wastewater Discharge Permits. Subdivision 1. Mandatory Permits. All industries proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being classified as a significant industrial user. No industrial user requiring a permit shall discharge into public sewers until the industrial user has been issued a permit. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other Local, State, or Federal requirements regarding waste disposal.

Subd. 2. Permit Application. Users required to obtain a wastewater discharge permit shall complete and file with the Superintendent, an application in the form prescribed by the Superintendent, and accompanied by the applicable fee set by the BPUC. Proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, location (if different from the address);
- b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c) Wastewater constituents and characteristics including but not limited to those governed by Subsection 700.07 and 700.09 as determined by a reliable analytical laboratory sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136, as amended;
- d) Time and duration of discharge;
- e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

- f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;
- h) Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State, or National categorical pretreatment standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. 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 standard. No increment shall exceed nine months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date;
- i) Each product produced by type, amount, and rate of production;
- j) Type and amount of raw materials processed (average and maximum per day);
- k) Number of full and part time employees, and hours of work; and
- l) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

Subd. 3. Issuance of Industrial Discharge Permit. Within 90 calendar days, after receipt of a completed permit application from an industrial user, the Superintendent shall, upon a determination that the applicant is capable of compliance with permit conditions and these rules, issue an industrial discharge permit subject to applicable terms and conditions. Industrial discharge permit duration shall be established by the Superintendent. Permits shall be issued in one of the following forms:

- a) A standard permit will be issued to an industrial user with a direct discharge connection to a public sewer;

- b) A liquid waste hauler permit will be issued to an industrial user who transports and discharges industrial waste to public sewers; and
- c) A special discharge permit will be issued to an industrial user who discharges leachate, groundwater or other waste to public sewers, for which a standard form is not applicable.

Subd. 4. Permit Conditions. Wastewater discharge permits shall be subject to all provisions of this Section and all other applicable regulations, user charges and fees established by the BPUC. Permits may contain the following:

- a) Payment of annual permit fees.
- b) Payment of strength charge as required by the BPUC's strength charge system, Subsection 700.27.
- c) Payment of load charges as required for liquid waste haulers, Subsection 700.19.
- d) Limits on the average and maximum wastewater constituents and characteristics;
- e) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- f) Requirements for installation and maintenance of inspection and sampling facilities;
- g) Requirements for installation, operation and maintenance of pretreatment facilities;
- h) Specifications for monitoring programs which may include sampling locations, frequency and method sampling, number, types and standards for tests and reporting schedule;
- i) Compliance schedules;
- j) Requirements for submission and technical reports or discharge reports;
- k) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Superintendent, but in no case less than three years, and affording Superintendent access thereto;

- l) Requirements for notification to and acceptance by the Superintendent of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- m) Requirements for notification of slug or accidental discharges as provided in Subsection 700.11 of this Section, and reporting of permit violations;
- n) Requirements for disposal of sludges, floats, skimmers, and similar materials; and
- o) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Section.

Subd. 5. Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit the terms and conditions of the permit may be subject to modification by the Superintendent during the term of the permit as limitations or requirements as identified in Subsection 700.07 and 700.09 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Subd. 6. Permit Modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Subsection 700.15, Subdivision 2, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the Superintendent within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by paragraph (h) of Subsection 700.15, Subdivision 2. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

Subd. 7. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Superintendent. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

700.17 Confidential Information. Subdivision 1. Data Available to Public. Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

Subd. 2. Procedure. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Section, the NPDES permit, State Disposal System permit and the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the permit furnished the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Superintendent as confidential, shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten day notification is given to the user.

Subd. 3. State Law. Data referred to in this Subsection shall be stored and released by the City only in accordance with the provisions of State law regarding data privacy.

700.19 Special Programs and Requirements. Subdivision 1. Liquid Waste Hauler Requirements.

- a) Application. Any person seeking to transport and subsequently discharge industrial waste into the public sewers of the BPUC shall file a written application to discharge with the Superintendent. This application shall include information about the nature and source of the wastewater as defined in Subdivision 2 of Subsection 700.15. The application shall be made on a form established by the Superintendent and shall be accompanied by a required application processing fee.
- b) Each application to discharge shall include a detailed analysis of the typical wastewater characteristics including priority pollutants, COD, TSS, TKN and pH. A form establishing the required sample analysis shall be obtained from the Superintendent. An estimate of discharge volume and frequency shall also be included.
- c) Approval or Denial. Upon receipt of a complete application for discharge, the Superintendent shall evaluate the application and issue an approval or denial. The Superintendent shall:

- 1) Within 30 days, issue a written approval for discharges that will not exceed 6 months in duration; or
- 2) within 90 days, issue an industrial discharge permit for discharges that will exceed 6 months in duration; or
- 3) deny the request for discharging into the BPUC public sewers and state the reasons for denial.

The burden of proof for reasons of denial shall not rest on the Superintendent and the Superintendent reserves the right to be arbitrary in what would be the best interest of the BPUC.

- d) **Conditions of Discharge.** Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set for by the Superintendent. The conditions of discharge will include designation of where discharge can occur, when discharge can occur and the rate of discharge.
- e) **Monitoring and Reporting.** Requirements for ongoing monitoring and reporting of the discharge characteristics shall be designated in the written approval or permit. In addition to these requirements, representative samples shall be collected from every load and turned over to the BPUC. A minimum of one sample per month will be randomly selected for analysis. It is the responsibility of the liquid waste hauler to arrange for and pay for the required sample analysis. Monthly self-monitoring reports shall be submitted indicating the sample analysis and the volume discharged.
- f) **Right of Recession.** The Superintendent may issue an order to deny discharge at any time after discharge has commenced if it is determined that the discharge is causing disruption to the BPUC's treatment plant operations. Such an order shall in effect cancel any previous approval or permit issued to the discharger.
- g) **Fees.** In addition to applicable application and annual permit fees, liquid waste haulers shall pay load charges to the BPUC. The method of determining load charges shall be established by the Superintendent and shall be based on volume, strength and appropriate administration costs for record keeping and monitoring of the discharger.

Persons subject to a load charge shall pay the full amount within 30 days after the billing date. Delinquency in regard to payment of load charges shall be grounds for denial of discharge.

Application processing fees, load charge rates and strength charges shall be established annually by the BPUC.

Subd. 2. Leachate and Contaminated Groundwater Discharge Requirements.

- a) Application. Any person seeking to transport and subsequently discharge leachate or contaminated groundwater waste into the public sewers of the BPUC shall file a written application to discharge with the Superintendent. This application shall include information about the nature and source of the wastewater as defined in Subdivision 2 of Subsection 700.15. The application shall be made on a form established by the Superintendent and shall be accompanied by a required application processing fee.
- b) Sample requirements. Each application to discharge shall include a detailed analysis of the typical wastewater characteristics including priority pollutants, COD, TSS, TKN and pH. A form establishing the required sample analysis shall be obtained from the Superintendent. An estimate of discharge volume and frequency shall also be included.
- c) Approval or denial. Upon receipt of a complete application for discharge, the Superintendent shall evaluate the application and issue an approval or denial. The Superintendent shall:
 - 1) Within 30 days issue a written approval for discharges that will not exceed 6 months in duration; or
 - 2) Within 90 days issue an industrial discharge permit for discharges that will exceed 6 months in duration; or
 - 3) Deny the request for discharging into the BPUC public sewers and state the reasons for denial.

The burden of proof for reasons of denial shall not rest on the Superintendent and the Superintendent reserves the right to be arbitrary in what would be the best interest of the BPUC.

- d) Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the Superintendent. The conditions of discharge will include designation of where discharge can occur, when discharge can occur and the rate of discharge.

- e) **Monitoring and Reporting.** Requirements for ongoing monitoring and reporting of the discharge characteristics shall be designated in the written approval or permit. In addition to these requirements, representative samples shall be collected from every load and turned over to the BPUC. A minimum of one sample per month will be randomly selected for analysis. It is the responsibility of the liquid waste hauler to arrange for and pay for the required sample analysis. Monthly self-monitoring reports shall be submitted indicating the sample analysis and the volume discharged.
- f) **Right of Recession.** The Superintendent may issue an order to deny discharge at any time after discharge has commenced if it is determined that the discharge is causing disruption to the BPUC's treatment plant operations. Such an order shall in effect cancel any previous approval or permit issued to the discharger.
- g) **Fees.** In addition to applicable application and annual permit fees, liquid waste haulers shall pay load charges to the BPUC. The method of determining load charges shall be established by the Superintendent and shall be based on volume, strength, and appropriate administration costs for record keeping and monitoring of the discharger.

Persons subject to a load charge shall pay the full amount within 30 days after the billing date. Delinquency in regard to payment of load charges shall be grounds for denial of discharge.

Application processing fees and load charge rates and strength charges will be established annually by the BPUC.

Subd. 3. Septage Hauler Requirements.

- a) **Application.** Any person seeking to transport and subsequently discharge septage into the public sewers of the BPUC shall file a written application to discharge with the Superintendent. This application shall include information about the nature and source of the wastewater as defined in Subdivision 2 of Subsection 700.15. The application shall be made on a form established by the Superintendent and shall be accompanied by a required application processing fee.
- b) **Sample Requirements.** Each application to discharge shall include a detailed analysis of the typical wastewater characteristics including priority pollutants, COD, TSS, TIQV and pH. A form establishing the required sample analysis shall be obtained from the Superintendent. An estimate of discharge volume and frequency shall also be included.

- c) Approval or Denial. Upon receipt of a complete application for discharge, the Superintendent shall evaluate the application and issue an approval or denial. The Superintendent shall:
- 1) Within 30 days issue a written approval for discharges that will not exceed 6 months in duration; or
 - 2) Within 90 days issue an industrial discharge permit for discharges that will exceed 6 months in duration; or
 - 3) Deny the request for discharging into the BPUC public sewers and state the reasons for denial.

The burden of proof for reasons of denial shall not rest on the Superintendent and the Superintendent reserves the right to be arbitrary in what would be the best interest of the BPUC.

- d) Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the Superintendent. The conditions of discharge will include designation of where discharge can occur, when discharge can occur and the rate of discharge.
- e) Monitoring and Reporting. Requirements for ongoing monitoring and reporting of the discharge characteristics shall be designated in the written approval or permit. In addition to these requirements, representative samples shall be collected from every load and turned over to the BPUC. A minimum of one sample per monthly will be randomly selected for analysis. It is the responsibility of the liquid waste hauler to arrange for and pay for the required sample analysis. Monthly self-monitoring reports shall be submitted indicating the sample analysis and the volume discharged.
- f) Right of Recession. The Superintendent may issue an order to deny discharge at any time after discharge has commenced if it is determined that the discharge is causing disruption to the BPUC's treatment plant operations. Such an order shall in effect cancel any previous approval or permit issued to the discharger.
- g) Fees. In addition to applicable application and annual permit fees, liquid waste haulers shall pay load charges to the BPUC. The method of determining load charges shall be established by the Superintendent and shall be based on volume, strength and appropriate administration costs for record keeping and monitoring of the discharger.

Persons subject to a load charge shall pay the full amount within 30 days after the billing date. Delinquency in regard to payment of load charges shall be grounds for denial of discharge.

Application processing fees and load charge rates and strength charges will be established annually by the BPUC.

700.21 Industrial Wastewater Monitoring and Reporting. Subdivision 1. General Requirements. Permittees, and non-permitted industrial users specified by the Superintendent, shall monitor industrial waste discharges into public sewers. Such monitoring shall accurately characterize the discharge and shall be performed in accordance with all applicable provisions of these rules and any permit issued thereunder. Such monitoring information shall be submitted to the Superintendent in a self-monitoring report. At a minimum, a summary report shall be prepared quarterly and submitted to the Superintendent.

Subd. 2. Monitoring Point. Each permittee shall have an approved monitoring point provided at the permittee's expense. Liquid waste haulers and specific industrial users, may be exempted by permit from portions of this Section. An approved monitoring point shall meet the following criteria:

- a) The wastewater flow is visible and accessible for inspection and monitoring purposes;
- b) Adequate safeguards are in place to protect BPUC personnel from accident or injury;
- c) The wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- d) The wastewater flow at the monitoring point conveys all of the permittee's industrial waste.
- e) the monitoring point is large enough or space is provided nearby to allow for monitoring equipment placement; and
- f) the total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

All permittees shall have an approved monitoring point within 12 months of the effective date of this Section. Design plans for constructing a monitoring point shall be submitted to the Superintendent for approval 60 calendar days prior to any constructions necessary to meet the criteria specified in this Section. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code.

Each permittee is responsible for all maintenance on the approved monitoring point, including routine cleaning.

Subd. 3. Representative Sampling. Representative samples shall be collected by permittees at an approved monitoring point. Sampling shall be conducted on a normal operating day and in accordance with standard monitoring techniques described herein. The samples shall accurately characterize the discharge, taking into account batch discharges, daily production variations, downtime, cleanup, and other operating conditions. Each permittee shall accurately determine wastewater flow volumes during periods of sample collection. Flow proportional compositing may be required. Samples shall be collected in a well-mixed region of the wastewater. In order to avoid collecting nonrepresentative amounts of sediment or floating material, the intake of the sampling device shall be placed appropriately. When using an automatic sampler, the intake line velocity shall be sufficient to ensure representative sampling of suspended solids. The minimum intake velocity should be two feet per second the minimum automatic sampler intake line inside diameter shall be one-fourth inch. When, feasible, the automatic sampler intake shall be downstream of the primary flow device.

Subd. 4. Grab and Composite Samples. Samples shall be collected as specified in the permit or as determined by the Superintendent. Grab and/or composite samples may be required. A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, cyanide, volatile organics, total phenols, and sulfides. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples can be taken manually or automatically. Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least 100 milliliters. Discrete samples can be composited using any of the following methods: (1) equal time intervals and equal volume samples; (2) equal time intervals and unequal volume samples; or (3) unequal time intervals and equal volume samples. Flow proportional composite sampling is the designated method for sample collection for industrial permit holders. Equal time/equal volume composition may only be utilized if the hourly waste flow volumes are nearly constant during the sampling period.

Subd. 5. Sample Handling Procedures. All samples shall be contained, preserved and held in accordance with Code of Federal Regulations, Part 136. The sample temperature shall be maintained at 4° Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

Subd. 6. Test Procedures for Analysis of Pollutants. All measurements, tests, and analysis of the characteristics of the industrial wastewaters shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. The permittee or the contracted monitoring service and/or commercial analytical laboratory shall document analytical procedures including, but not limited to, the quality control and, if applicable, chain of custody procedures

conducted on each sample. The Superintendent may require that any sample analysis data submitted to fulfill requirements of these rules or any permit issued thereunder be obtained from a laboratory appropriately certified by the Minnesota Department of Health.

Subd. 7. Wastewater Flow Measuring. Wastewater volumes discharged by permittees to public sewers shall be accurately determined during sampling periods using metered water supply or wastewater flow measuring devices or both. Metered water supply may be used to determine reporting period discharge volumes if the Superintendent determine that operating day losses can be accounted for. Operating day losses include, but are not limited to, lawn sprinkling, loss to product, or evaporation. Water meters used for wastewater discharge volume determinations shall be maintained in good operating condition. The Superintendent may require outside calibration of such meters. In the event that the Superintendent determines that operating day losses cannot be accounting for, or that the hourly water meter volumes do not correlate with the monitoring point hourly volumes, continuous flow measuring of industrial waste discharges to public sewers shall be required. All continuous flow measuring installations shall meet the following requirements:

- a) Primary flow devices including, but not limited to, weirs and flumes, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size, and location of a primary flow device include:
 - 1) Flow rate and velocity;
 - 2) Pipe configuration and slope;
 - 3) Turbulence;
 - 4) Presence of nearby tributary flows;
 - 5) Solids concentration; and
 - 6) Other factors.

The primary flow device shall accommodate the maximum expected flow. The primary flow device shall be properly leveled and sealed.

- b) The flow level sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.
- c) All continuous flow measuring installations shall include a continuous recording device.
- d) All continuous flow measuring installations shall be maintained in good operating condition. Records of all maintenance conducted on flow measuring installations shall be kept. Maintenance includes, but is not limited to, the removal of sediment from upstream and downstream of the primary device, and the calibration of the flow meter.

Subd. 8. Inspections: Access. The Superintendent shall inspect the facilities of any user to ascertain whether the purpose of this Section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Superintendent ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Superintendent, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Superintendent, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Subd. 9. Confidential Information. Information received from a user shall be treated as public unless requested by the user in accordance with Subsection 700.17, and in any event in accordance with applicable law.

Subd. 10. Self-Monitoring Reports. Permittees shall submit complete and accurate self-monitoring reports to the Superintendent at a frequency stated in the permit. Permittees shall use report forms provided by the Superintendent. Self-monitoring reports may require the permittee to disclose the following information for each reporting period:

- a) General facility data;
- b) Operational data;
- c) Source and volume of all water supplies;
- d) Volumes of water used or lost;
- e) Use and volume of wastewater discharged to public sewers;
- f) Analytical results from wastewater monitoring;
- g) Description of sampling and analytical methods; and
- h) Other information as is relevant to determining compliance with these rules.

The frequency of routine reporting shall be based on the reporting schedule included in the individual permit. The minimum reporting frequency shall be quarterly. Industrial waste discharges subject to a strength charge or a cumulative annual metal limit shall report monthly. Liquid waste haulers shall report monthly. Refer to Subsection 700.27 for additional sampling and reporting requirements.

The Superintendent may modify the above reporting schedule for any permittee based on the permittee's industrial waste characteristics or any other relevant consideration.

Permittees subject to categorical pretreatment standards shall submit self-monitoring reports and other required reports to the BPUC in accordance with the general permit regulations established under the act and any requirement of a categorical pretreatment standard.

Permittees shall submit complete self-monitoring reports to the Superintendent such that the Superintendent has received such reports on or before the 30th calendar day of the month following the end of each applicable reporting period.

700.23 Enforcement. Subdivision 1. Slug or Accidental Discharges. The Superintendent may suspend the wastewater treatment service of a user or a wastewater discharge permit or either of them, (after informal notice to the discharger) when such suspension is necessary in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the city to violate any condition of its NPDES or State Disposal System Permit.

Subd. 2. Compliance. Any user notified of a suspension of the wastewater treatment service or the wastewater disposal permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Superintendent shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within 15 days of the date of occurrence.

Subd. 3. Revocation of Permit. In accordance with the procedures of Subsection 700.23, the Superintendent may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or which is in violation of conditions of its permit, this Section, or applicable State and Federal regulations.

Subd. 4. Notification of Violation. Whenever the Superintendent finds that any person has violated or is violating this Section, a wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the Superintendent may serve upon such a person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the BPUC by the user.

Subd. 5. Show Cause Hearing; Notice of Hearing. If the violation is not corrected by timely compliance, the Superintendent may order any user which causes or allows an unauthorized discharge to show cause before the BPUC why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by BPUC regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the BPUC why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least twenty days before the hearing. Service may be made on any agent or officer of a corporation.

Subd. 6. Hearing Officials. The BPUC may itself conduct the hearing and take the evidence, or may designate any of its members or employees of the BPUC to:

- a) issue in the name of the BPUC notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
- b) take the evidence; and
- c) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the BPUC for action thereon.

Subd. 7. Transcripts. At any hearing held pursuant to this Subsection, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

Subd. 8. Issuance of Orders. After the BPUC has reviewed the evidence, it may issue an order to the user responsible for the discharge directed that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 9. Legal Action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Section, Federal or State pretreatment requirements or any order of the BPUC, the City may commence an action for appropriate legal or equitable relief.

Subd. 10. Annual Publication. A list of the users significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the 12 previous months shall be annually published by the City in a local newspaper. The notification shall also summarize any enforcement actions taken against the user during the same 12 months. For the purposes of this provision, significant violations are those violations which remain uncorrected 45 days after notification of noncompliance, which are part of a pattern of noncompliance over a twelve month period, or which involve a failure to accurately report noncompliance.

Subd. 11. Requests for Interpretation of Ruling. Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Subsection and shall be entitled to a written reply from the City.

Subd. 12. Appeal to City Council. Any decision of the Superintendent in the enforcement of this Section may be appealed to the City Council by filing a written petition with the City Administrator within 30 days of the Superintendent's ruling. The petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. The petition shall show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesman. The filing of a petition shall stay all proceedings unless the Superintendent shall file within 72 hours after the filing of a petition a certificate stating that a stay would cause peril to life or property of specifying other good reason.

Subd. 13. Hearing. The City Council shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Council shall constitute the official record of the petition, hearing, and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

700.25 Civil Damages, False Information, Tampering, and Penalties. Subdivision 1. Civil Damages. Any user violating any of the provisions of this Section or who has a discharge which causes a deposit, obstruction, damage, or other impairment to the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by the violation or discharge. The Superintendent may add to the user's charges and fees the cost assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs is a violation of this Section.

Subd. 2. Falsifying and Tampering. No person shall knowingly make a false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Section or tamper or render inaccurate any monitoring device required under this Section.

Subd. 3. Penalties. Any person violating any of the provisions of this Section is guilty of a misdemeanor.

Subd. 4. Fines. The BPUC may also establish fines for any person violating the local limits established in Subsection 700.09. The BPUC shall annually review and establish the amount of the fines. Fines shall be considered punitive to encourage compliance and will not be based on actual damages. Fines shall be assessed for a violation upon the recommendation of the Superintendent and confirmation by the BPUC.

700.27 Determination and Levying of User Charges. Subdivision 1. Charge Levied. For the purpose of providing funds to meet the costs of operating the City's sewer collection and conveyance system and wastewater treatment plant and the facilities connected therewith, and the payment of capital charges represented by bond, certificates of indebtedness, or otherwise, which may be issued to finance the cost of additional treatment facilities, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building, or premises having any connection with the City's public sewer system, or otherwise discharging sewage, industrial wastes, water, or other liquids directly or indirectly into the public sewer system of the City, a sewer rental charge as hereinafter provided.

Subd. 2. Basis of Charge. The sewer rental to be so charged against any property within the city of the general municipal user category shall be based upon the quantity of water used at each lot, parcel of land, building, or premises as the water is measured by the water meter or meters there in use. Industrial or other users which discharge flows with concentration in BOD, SS, or other components that affect the treatment process and costs shall be charged a sewer rental which appropriately covers such additional costs.

Subd. 3. Discharge of Non-City Water into System. In the event any lot, parcel of land, building, or premises discharging sanitary sewage, industrial wastes, water, or other liquids into the sanitary sewer system of the City either directly or indirectly, is supplied in whole or in part with water not obtained from the City, the owner or occupant of such property shall cause to be installed, necessary metering equipment as approved by the Superintendent to measure the quantity of water pumped or used and the sewer rental charge shall be based on the quantity of water so measured. Whenever the owner, lessee, or occupant fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Superintendent shall cause to be determined in such manner and by such methods as may be practicable, considered conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharge into the sanitary sewer system, and such estimate shall be used in lieu of the meter volume of water from private sources to determine the sewage rental charge thereon and therefore.

Subd. 4. Unit Costs. The BPUC shall annually determine and fix the unit costs for use of the sewer system on the basis of flow (including Infiltration/Inflow) BOD, SS and any other pollutant, taking into consideration the cost of treatment of such sewage, and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purpose of this Section.

Subd. 5. Billings. The Superintendent shall compute the amount due for sewer user charges and render a statement thereof, at periodic intervals, as directed by the BPUC to the owner or occupant of any premises using the facilities. All amounts due thereunder shall be payable at the office of the secretary of the BPUC of the City or other designated locations.

Subd. 6. Audits. The BPUC shall once each year provide an internal audit report that will address specific areas of concern including the need to generate sufficient revenue through user charges to cover total O & M costs, the necessity of maintaining a proportionate system of user charges pursuant to 40 CFR 35 935 13 (b) and the need to review the replacement account to determine its proper level of funding.

Subd. 7. Service Outside City: Charges. Property outside the City Limits which is served by and uses the sanitary sewer system shall pay the same amount of sewer rental as prescribed in the above unit costs for properly inside the City Limits. Additional costs may be applied for providing such service to properties outside the City Limits if such extra costs are specifically related to serving those properties. Charges for sewer service to property outside the City Limits, which is served by a collection system maintained by another governmental subdivision shall be the subject of agreements between the City and such other governmental subdivision, such agreement to be approved by the BPUC and the City Council.

Subd. 8. Water Bills: Sewer Service Charges. The amounts due to the BPUC for sewer rental charge will be computed in accordance with the provisions of this Section and statements will be rendered at the same time and on the same bill with the City water statement. If a property supplies its own water, a bill will be rendered for sewer services only.

Subd. 9. Certification of Unpaid Charges. Nothing in this Section shall be held or construed as in any way stopping or interfering with the City's right to levy as taxes against any premises affected, any delinquent or past-due sewer rental charges. Each and every sewer rental charge levied by and pursuant to this Section is hereby made a lien upon the lot, land, or premises served, and all such charges which are on October 15 of each year past-due and delinquent, shall be certified to the County Auditor as taxes on the real estate in the manner provided by law.

Subd. 10. Civil Action. Any charges levied by and pursuant to this Section, not paid and becoming delinquent may be recovered from the occupant of the premises served in a civil action by the City in any court of competent jurisdiction, if the City elects to do so.

Subd. 11. Deposit of Funds. The monies received from the rates and charges herein established shall be deposited in the sewage disposal fund of the BPUC and in accordance with any bond resolution or amendment directing their payment.

Subd. 12. Allocation of Costs. The cost to be recovered pursuant to this Section and the unit cost to be fixed by the BPUC shall be determined and allocated in each of the following categories:

- a) Category "A". Operation and Maintenance of City's Wastewater Collection, Conveyance, and Treatment Facilities. This category includes the cost of administration, operation, maintenance and replacement for the City's

wastewater collection, conveyance, and treatment facilities, including sludge disposal costs, and including an amount for replacement costs of equipment and real property which shall be segregated in a separate fund. Replacement costs are expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

- b) **Category "B". Industrial Pretreatment Charge.** An industrial pretreatment charge is imposed upon all industrial units subject to national or local industrial pretreatment requirements. The industrial pretreatment charge shall be the amount necessary to recover administrative costs associated with permitting and monitoring the discharge of industrial wastewater into the City's wastewater disposal system. The BPUC may adopt charges and fees in this category which may include:
- 1) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
 - 2) Fee for monitoring, inspections, and surveillance procedures;
 - 3) Fees for reviewing accidental discharge procedures and construction;
 - 4) Fees for reviewing permit applications;
 - 5) Fees for filing appeals;
 - 6) Other fees as the BPUC may deem necessary to carry out the requirements contained herein.
- c) **Category "C". Connection Charge.** A connection charge is imposed upon all users in an amount necessary to recover administrative and sewer billing costs. The connection charge shall be levied on each user on an equal basis and shall be a charge imposed in addition to the Category 'A' and Category 'B' charges. Allocation of costs to be recovered by the connection charge shall be determined by the BPUC and may include those costs attributable to wastewater collection and treatment but not directly related to unit charges for flow, BOD, and SS.

Subd. 13. Industrial Users Charge. The Category "A" industrial user charges for administration, operation, maintenance, and replacement of the wastewater collection conveyance, and treatment facilities shall be determined as follows:

- a) Unit costs for flow, BOD, and SS shall be calculated by apportioning each category cost to flow, BOD, and SS, and then dividing each cost so apportioned by the total estimated flow, BOD, and SS to be received at the wastewater treatment plant in that year.
- b) Industrial user charges shall be the sum of the procedures obtained by multiplying the unit costs as determined above by the user's actual flow, BOD, and SS during the billing period. However, in no case shall the charge be less than that determined by applying the prevailing domestic flow rate charge to the user's actual flow. In addition to the charges provided for herein, the BPUC may impose a surcharge on any industrial user pursuant to the requirements herein before or based on some other pollutant loading factor which requires special treatment at the wastewater treatment plant.
- c) Industrial sewer service charges will include user charges and may also include the annual interest and principal costs necessary to retire any bonds issued to pay for construction with such debt retirement costs to be determined and allocated in same manner as described for annual operating costs herein before.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 14. Measurements of Strength and Volume. When required by the Superintendent, each industrial user shall install suitable measuring, sampling, and analyzing devices in compliance with the sewer use code, as required hereinbefore. The Superintendent shall not require installation of such devices where the industrial user has concentrations of BOD, and suspended solids no greater than the concentrations of such constituents in the general municipal flow and a satisfactory method and access exist for sampling and determining the total daily sewage flow. In such cases, the charges to those industrial users shall be based on the flow rate as determined and on BOD, and SS loads equal to the average load of the general municipal flow. Each industrial user required by the Superintendent to install and maintain sewerage monitoring facilities shall submit to the Superintendent a monthly report of daily flow, BOD, and SS, on a form approved by the Superintendent. This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month. The Superintendent shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample, and analyze the user's flow and to analyze the samples obtained by the industrial user. In the event of any discrepancy between the flows or loads determined by the Superintendent and the industrial user, the values determined by the Superintendent shall be used for billing purposes. All measurements, tests, and analysis of the characteristics of sewage concentration shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water", published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said manhole. In the event that no special manhole is available, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. A 24-hour composite sample of the sewage shall be taken by the Superintendent at least once each year on those customers being assessed a surcharge for the purpose of verifying sample results.

Subd. 15. Charges for Non-Industrial Users. The Category "A" charge for general users for this Section shall be determined as follows: unit costs for flow, BOD, SS shall be calculated by apportioning the total annual cost of Category A to Flow, BOD, and SS. The general users charge shall be the sum of the products obtained by multiplying the unit costs as determined above by the flow, BOD, and SS loadings of 1000 gallons of domestic wastes. The charges to domestic users shall be the product of the unit cost obtained in accordance with paragraph one above and the quantity of water used by such user as measured by the City water meter on the premises. The charges to commercial users with BOD and SS concentrations equal to or less than domestic wastes shall be the product of the unit cost obtained in accordance with paragraph one above and the quantity of water used by such user as measured by the City water meter on the premises. The charges to institutional users with BOD and SS concentrations equal to or less than domestic wastes shall be the product of the unit cost obtained in accordance with paragraph one above and the quantity of water used by such user as measured by the City water meter on the premises. The charges to governmental users with BOD and SS concentrations equal to or less than domestic wastes shall be the product of the unit cost obtained as described above and the quantity of water used by such user as measured by the water meter on the premises. In the event a general municipal user is not supplied with City water or the water so used is not measured, the user charge shall be fixed and determined by the Superintendent in such methods as it may find just, equitable, and practicable. In the event sewer service is disconnected by the City during any quarter for any reason, the sewer service charge shall be reduced proportionately in the same manner that water service rates are reduced. If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the Superintendent and engage, at its own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set. Non-industrial sewer service charges will include user charges and may also include the annual interest and principal cost necessary to retire any bonds issued to pay for construction with such debt retirement costs to be determined and allocated in the same manner described for annual operating costs hereinbefore.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 16. Control Structure. When required by the Superintendent the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structures and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the Superintendent and shall be maintained by the owner so as to be safe and accessible at all times. Refer to Subdivision 2 of 700.21 for specific requirements for a control structure (monitoring point).

Subd. 17. Measurement, Tests, Standard. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this Section shall be determined in accordance with 40 CFR 136 (Guidelines Establishing Test Procedures for Analysis of Pollutants): the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure in the event that no special stricture has been required, the control structure shall be construed to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24hour composite of ail outfalls whereas pHs are determined from periodic grab samples.)

Subd. 18. Other Test. The Superintendent may conduct such tests as are necessary to enforce this regulation, and employees of the BPUC may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the Superintendent for the purposes of checking to determine if a previously found violation of this Section has been corrected, the cost of such tests shall be charged to the user or added to the user's sewer charges. In those cases where the Superintendent determines that the nature or volume of a particular user's sewage required more frequent than normal testing, the Superintendent may charge such user for the tests, after giving the user ten days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the Superintendent may require the user at its own expense to test the discharge on a regular basis and to report the test results to the Superintendent within a reasonable time. All such tests shall be as ordered by the Superintendent and shall be conducted by qualified personnel in accordance with the standards set out in this Section. Refer to Subsection 700.21 for the specific requirements for sampling and testing for industries with discharge permits.

(Amended Ord. 1046 – 1998)