

ORDINANCE NUMBER 1029

AN ORDINANCE ESTABLISHING
INDUSTRIAL PRETREATMENT REQUIREMENTS

Be it ordained by the Commissioners of Muscle Shoals as follows:

SECTION I
GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Muscle Shoals and enables the City to comply with all applicable State of Alabama and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Muscle Shoals and to persons outside the City who are, by contract or agreement with the City, Users of the publicly owned wastewater treatment plant. This ordinance is a supplement to other City ordinances

pertaining to the wastewater collection and treatment systems. Except as otherwise provided herein, the City of Muscle Shoals and/or its agent, the Utilities Board of the City of Muscle Shoals, Alabama, shall administer, implement, and enforce the provisions of this ordinance.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority. The Alabama Water Improvement Commission if they maintain an approved State Pretreatment Program and NPDES authority or, otherwise, the Environmental Protection Agency.
3. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be:
 - (a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
 - (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter).
5. Board. The Utilities Board of the City of Muscle Shoals, Alabama.
6. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
7. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
8. City. The City of Muscle Shoals, Alabama.
9. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
10. Control Authority. The term "control Authority" shall refer to the "Approval Authority", defined hereinabove; and/or the Board if the Board has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

11. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Alabama.
12. Environmental Protection Agency, or EPA. The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
13. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
14. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
15. Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
16. Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
17. Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's and/or Board's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the ACT, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State Sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
18. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
19. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
20. New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of such proposal in the

- Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
21. NPDES Permit or National Pollution Discharge Elimination System Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
 22. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
 23. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
 24. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
 25. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
 26. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
 27. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
 28. POTW or Publicly Owned Treatment Works. A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Board. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City or Board, users of the City's POTW.

29. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
30. Shall is mandatory: May is permissive.
31. Significant Industrial User. Any Industrial User of the Board's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the Board's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Alabama Statutes and rules, or (iv) is found by the City, Alabama Water Improvement Commission, or the U. S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
32. State. State of Alabama.
33. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
34. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
35. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
36. Superintendent. The person designated by the Board to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
37. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
38. User. Any person who contributes, causes or permits the contribution of wastewater into the Board's POTW.
39. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
40. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

41. Wastewater Contribution Permit. As set forth in section 4.2 of this ordinance.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

<u>BOD</u>	Biochemical Oxygen Demand
<u>CFR</u>	Code of Federal Regulations
<u>EPA</u>	Environmental Protection Agency
<u>l</u>	Liter
<u>mg</u>	Milligrams
<u>mg/l</u>	Milligrams per Liter
<u>NPDES</u>	National Pollutant Discharge Elimination System
<u>POTW</u>	Publicly Owned Treatment Works
<u>SIC</u>	Standard Industrial Classification
<u>SWDA</u>	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
<u>USC</u>	United States Code
<u>TSS</u>	Total Suspended Solids

SECTION 2 REGULATIONS

2.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

- (a) 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 POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 percent nor any single reading over 10 percent 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 and any other substances which the City, Board, the State or EPA has notified the User is a fire hazard or a hazard to the system.

- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, shells, 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, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 6.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104° F.
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24 hour concentration, quantities, or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City or Board in compliance with applicable State or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the Board first determines that a User(s) in contributing to the POTW, any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, the Board shall: (1) Advise the User(s) of the impact of the contribution on the POTW: and (2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Board shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

2.3 Modification of Federal Categorical Pretreatment Standards

Where the Board's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Board may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Board may then modify pollutant discharge

limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

2.4 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of:

<u>Parameter</u>	<u>30 Day Average</u>	<u>Daily Maximum</u>
Aluminum, Dissolved	25.0 mg/l	50.0 mg/l
Cadmium, Total	0.1 mg/l	0.2 mg/l
Copper, Total	1.0 mg/l	2.0 mg/l
Chromium, Hexavalent	0.1 mg/l	0.2 mg/l
Chromium, Total	2.5 mg/l	5.0 mg/l
Cyanide, Total	0.5 mg/l	1.0 mg/l
Iron, Total	10.0 mg/l	20.0 mg/l
Lead, Total	0.1 mg/l	0.2 mg/l
Nickel, Total	0.5 mg/l	1.0 mg/l
Silver, Total	0.25 mg/l	0.5 mg/l
Zinc, Total	1.8 mg/l	3.6 mg/l
Phosphates, Total as Phosphorus	20.0 mg/l	40.0 mg/l
Oil and grease	100.0 mg/l	150.0 mg/l
pH	6-10 mg/l	6-10 mg/l

No person shall discharge wastewater to the public sewers having a 5-day biochemical oxygen demand greater than 300 mg/l or having suspended solids greater than 350 mg/l. In instances where a variance is allowed for contributors, a surcharge on the excess biochemical oxygen demand and suspended solids above these stated limits will be applicable.

2.5 State Requirements

State requirements and limitations on discharge shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

2.6 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 presented in Section 1.1 of this Ordinance. No statement contained in this section shall be construed as preventing any agreement between the Board and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Board at the POTW for treatment, subject to payment of a surcharge by the industrial concern.

2.7 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specified limitation developed by the City, Board, or State.

2.8 Accidental Discharges

2.8.1 General.

Each User shall provide protection from accidental discharge of toxic or inhibitory materials. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Board for review, and shall be approved by the Board before construction of the facility. All existing Users shall complete such a plan by July 1, 1983. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Board. 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 Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2.8.2 Written Notice

Within five days following an accidental discharge of any nature, the User shall submit to the Board a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

2.8.3 Notice to Employees

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 dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 3
FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Board's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Board's Schedule of Charges and Fees.

3.2 Charges and Fees

The Board may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the Board's Pretreatment Program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the Board of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) Other fees as the Board may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Board.

SECTION 4
ADMINISTRATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge without a permit to any natural outlet within the City of Muscle Shoals, Alabama, or in any area under the jurisdiction of said City, and/or to the POTW any wastewater except as authorized by the City in accordance with the provisions of this Ordinance.

4.2 Wastewater Contribution Permits

4.2.1 General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain Wastewater Discharge

Permits from the Board and State before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 90 days after the effective date of this Ordinance.

4.2.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Board, an application in the form prescribed by the Board, and accompanied by a fee of \$100. Existing users shall apply for a Wastewater Contribution Permit within 90 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and 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 mentioned in Section 2 of this Ordinance 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 contribution;
- (e) Average daily and 3 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;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (i) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this

schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in paragraph (1) shall exceed 9 months.
 - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Board including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Board.
- (j) Each product produced by type, amount, process or processes and rate of production;
 - (k) Type and amount of raw materials processed (average and maximum per day);
 - (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - (m) Any other information as may be deemed by the Board to be necessary to evaluate the permit application.

The Board will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Board may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

4.2.3 Permit Modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards 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 Contribution Permit as required by 4.2.2, the User shall

apply for a Wastewater Contribution Permit from the Board and State within 90 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Board within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2.

4.2.4 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Board. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see 4.3);
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Board and State, and affording each Access thereto;
- (i) Requirements for notification of the Board and State to any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (j) Requirements for notification of slug discharges.
- (l) Other conditions as deemed appropriate by the Board to ensure compliance with this Ordinance.

4.2.5 Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 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 Board during the term of the permit as limitations or requirements as identified in Section 2 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.

4.2.6 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 to a new owner, new User, different premises, or a new or changed operation. Any succeeding owner or User shall apply for a Board and State permit under the regulations of this section.

4.3 Reporting Requirements for Permits

4.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Board and State a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

4.3.2 Periodic Compliance Reports

(a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Board and State monthly reports, unless required less frequently by the Board, 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 of the discharge

permit. At the discretion of the Board and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Board may agree to alter the months during which the above reports are to be submitted.

- (b) Where the Board or state imposes mass limitations on Users, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Board of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the discharge permit. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

4.4 Monitoring Facilities

The City shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Board's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Board.

4.5 Inspection and Sampling

The City or Board shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall

allow the City or their representatives 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 City or its representatives, the State of Alabama, and the Environmental Protection Agency shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or 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 their security guards so that upon presentation of suitable identification, personnel from the City or its representatives, the State of Alabama and the Environmental Protection Agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. The following rates are established for inspection and sampling of industrial waste discharges by the Board. The Board shall perform a minimum of one evaluation per year.

<u>Compliance Evaluation Inspections and Sampling</u>	
Mobilization	\$100 per discharge point
Analyzation of Waste	\$ 45 per parameter

4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City or State 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 Board and State for review, and shall be acceptable to the Board and State 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 Board and State under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Board and State prior to the user initiation of the changes.

The City shall annually publish in an area newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the Environmental Protection Agency or the Alabama Water Improvement Commission upon request.

4.7 Confidential Information

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or 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 person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City or Board as confidential shall not be transmitted to any governmental agency or to the general public by the City or Board until and unless a 7-day notification is given to the User.

SECTION 5 ENFORCEMENT

5.1 Harmful Contributions

The Board may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Board, 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, causes Interference to the POTW or causes the Board to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Board shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Board shall reinstate the Wastewater Contribution Permit and/ or the wastewater treatment service upon

proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Board within 15 days of the date of occurrence.

5.2 Revocation of Permits

Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Ordinance:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

5.3 Notification of Violation

Whenever the City finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Board by the User.

5.4 Show Cause Hearing

5.4.1 Notice of Hearing

The City may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Commission why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the City Commission 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 10 days before the hearing. Service may be made on any agent or officer of a corporation.

5.4.2 Hearing Procedures

The City Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

- (a) Issue in the name of the City Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Commission for action thereon.

At any hearing held pursuant to this Ordinance, 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 thereof.

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

5.5 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 Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county.

SECTION 6 PENALTY: COSTS

6.1 Civil Penalties

Any User who is found to have violated an Order of the City Commission or who willfully or negligently failed to comply with and provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

6.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document files or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

SECTION 7

SEVERABILITY

If any provision, paragraph, work, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 8

CONFLICT

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflicts.

ADOPTED this 16th day of December, 1982.

CITY OF MUSCLE SHOALS
A MUNICIPAL CORPORATION

(s) James E. Sharp
President, Board of Commissioners

(s) Robbie Martin
Commissioner

(s) Bill T. Johnson
Commissioner

S E A L

ATTEST:

(s) Frank G. Little
City Clerk