



# CITY OF WASILLA

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CODE ORDINANCE  
REQUESTED BY: PUBLIC WORKS  
PREPARED BY: PUBLIC WORKS

ORDINANCE SERIAL NO. 96-34

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA AMENDING CHAPTER 5.20 WASILLA SEWER UTILITY AND ADDING CHAPTER 5.25 PRETREATMENT REQUIREMENTS FOR CONTRIBUTIONS TO CITY SEWER SYSTEM, WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To amend the existing provisions of the Wasilla Sewer Utility ordinance to delete the pretreatment requirements and to add a new chapter to more specifically delineate the pretreatment requirements. This addition is in part to comply with grant requirements issued by the Environmental Protection Agency as a condition of their grant to the City.

SECTION III. Amendment.

Chapter 5.20 of the Wasilla Municipal Code is amended as follows ( strike throughs denote deletions, bold underline sections are additions):

5.20.075 Sewer; Control of Wastewater.

A. No person(s) other than authorized agents of the City, shall uncover, make any connections with or opening into, use, alter, or disturb the City public sewer or appurtenance thereof without first obtaining a written permit from the City.

B. No person(s) shall discharge or cause to be discharged any waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. ~~Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;~~

~~2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient concentration, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities;~~

~~3. Any waters or wastes having a pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities;~~

~~4. Solid or viscous substances in quantities or of such size capable of causing~~

~~obstruction to flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, leathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders;~~

~~5. Ceramic dusts or particles or other abrasive substances; and~~

~~6.1. Any water received through infiltration or inflow.~~

**2. Any wastewater requiring pretreatment per Chapter 5.75.**

D. The following described **Certain** substances, materials, waters, or waste shall be limited in discharges to the system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving ground, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The City may set limitations lower than the limitations established in the regulations below **Chapter 5.75** if in its opinion such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the City will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the City are as **stated in Chapter 5.75.** follows:

~~1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);~~

~~2. Wastewater containing more than 15 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;~~

~~3. Wastewater from industrial plants containing floatable oils, fat, or grease;~~

~~4. Any garbage that has not been properly shredded (see definitions). Garbage grinders are discouraged;~~

~~5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the City for such materials;~~

~~6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the City;~~

~~7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed~~

~~limits established by the City in compliance with applicable state or federal regulations;~~

~~8. Quantities of flow, concentrations, or both which constitute a "sludge" as defined herein;~~

~~9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and~~

~~10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.~~

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in paragraph 5(C), and which in the judgment of the City, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers **as required by Chapter 5.75;**
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover added cost of handling and treating the wastes not covered by existing fees.

When considering the above alternatives, the City shall give consideration to the economic impact of each alternative on the discharger. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the **requirements of Chapter 5.75 and the** review and approval of the City.

F. Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in paragraph 4(C) or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. The City may require an applicant or person receiving sewer service to provide information needed to determine compliance with this Chapter **the Wasilla Municipal Code**. These requirements may include:

1. Wastewaters discharge average and peak rate and volume over a specified time period;
2. Chemical and biological analysis of wastewater sampled at specified times, locations, durations and frequencies;
3. Information on raw materials, processes, and products affecting wastewater volume and quality;
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to control sewer use;
5. A plot plan of sewers on the user's property showing sewer and pretreatment facilities location;
6. Details of wastewater pretreatment facilities;
7. Details of system to prevent and control the losses of materials through spills to the public sewer; and
8. Water usage average and peak usage over a specified period of time.

I. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the APHA. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the City.

J. ~~No statement contained in Section 5.20.070 shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment. The prior approval of ADEC is required for acceptance of any industrial waste. (Ord. 89-01 §3 1989)~~

SECTION IV ENACTMENT

CHAPTER 5.25

PRETREATMENT REQUIREMENTS FOR CONTRIBUTORS TO CITY SEWER SYSTEM

SECTIONS:

- 5.25.010 Definitions
- 5.25.020 Abbreviations
- 5.25.030 General Discharge Prohibitions
- 5.25.040 Modification of Federal/State Categorical Pretreatment Standards
- 5.25.050 Excessive and/or Accidental Discharges
- 5.25.060 Fees
- 5.25.070 Wastewater Contribution Permits
- 5.25.080 Monitoring Facilities
- 5.25.090 Inspection and Sampling
- 5.25.100 Pretreatment
- 5.25.110 Confidential Information
- 5.25.120 Enforcement
- 5.25.130 Penalties and Remedies
- 5.25.140 Severability
- 5.25.150 Conflict

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

- A. 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.
- B. Approval Authority. The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.
- C. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) 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.
- D. 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(mg/l)).

- E. Building Sewer. A sewer conveying wastewater from the premises of a User to the City owned septic tank.
- F. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- G. City. The City of Wasilla or the City Council of Wasilla.
- H. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- I. 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 in the 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.
- J. Control Authority. The term "control authority" shall refer to the "Approval Authority" defined herein above; or the Director if the City has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- K. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Alaska.
- L. Director. The Public Works Director designated by the City 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.
- M. 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.
- N. 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.
- O. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- P. Indirect Discharge. The discharge or the introduction of non-domestic 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).
- Q. 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).

- R. Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City’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.
- S. 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.
- T. 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.
- U. 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 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.
- V. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342)
- W. Person. Any individual, partnership, co-partnership, 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.
- X. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- Y. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- Z. 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.

- AA. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination 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 a 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).
- AB. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- AC. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) and is owned by the City. 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, users of the city's POTW.
- AD. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- AE. Shall is mandatory: May is permissive.
- AF. Significant Industrial User. Any Industrial User of the City'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 City's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of (State) Statutes and rules or (iv) is found by the City, (State Control Agency) or the U.S. Environmental Protection Agency (EPA) 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. Significant Industrial Users shall also include those users, the Public Works Director, found to be in violation of the discharge prohibitions pursuant to Section 2.1.
- AG. State. State of Alaska
- AH. 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.
- AI. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.



- AJ. 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.
- AK. 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.
- AL. User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- AM. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- AN. 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.
- AO. Wastewater Contribution Permit. As set forth in 5.25.070 of this ordinance.

5.25.020 Abbreviations The following abbreviations shall have the designated meanings:

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

5.25.030 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 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 and any other substances which the City, 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 (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, 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 5.5 or greater than 9.5, unless the POTW is specifically designed to accommodate such wastewater, or any 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 40° C (104° F) unless the POTW treatment plant is designed to accommodate such temperature.
- 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 fifteen (15) minutes more than five (5) times the average twenty-four (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 Director in compliance with applicable State or Federal regulations.
- L. Any wastewater which cause a hazard to human life or creates a public nuisance.

When the Director determines that a User is contributing to the POTW any of the above enumerated substances in such amount as to Interfere with the operation of the POTW, the Director shall: 1) Advise the User of the impact of the contribution on the POTW; and 2) Develop effluent limitation for such User to correct the interference with the POTW.

5.25.040 Modification of Federal/State Categorical Pretreatment Standards Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance. The City reserves the right to establish by amending this ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.

5.25.050 Excessive or Accidental Discharges

A. 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 limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

B. Accidental Discharges Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. 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 City for view, and shall be approved by the City before construction of the facility. All existing Users shall complete such a plan by January 1, 1998. 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 City. 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.

C. Written Notice. Within five (5) days following an accidental discharge; the User shall submit to the Director 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.

D. 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.

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

The City Council may adopt charges and fees which may include:

- a) fees for reimbursement of costs of setting up and operating the City'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 City) of pollutants otherwise subject to Federal Pretreatment Standards;
- g) other fees as the City 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 City.

#### 5.25.070 Wastewater Contribution Permits

A. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.

B. Permit Application Significant Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by the required fee. Existing Users shall apply for a Wastewater Contribution Permit within 30 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:

- 1) Name, address, and location, (if different from the address);
- 2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- 3) 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, Prt 136, as amended;
- 4) Time and duration of contribution;
- 5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- 6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenance by the size, location and elevation;
- 7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- 8) 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;

- 9) 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:
- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring and engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (b) No increment referred to in paragraph (1) shall exceed 9 months.
  - (c) 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 Director 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 schedule established. In no event shall more than 9 months elapse between such progress reports to the Director.
  - (d) Each product produced by type, amount, process or processes and rate of production;
  - (e) Type and amount of raw materials processed (average and maximum per day);
  - (f) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
  - (g) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

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

C. Permit Modifications Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Significant Industrial Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a Significant Industrial 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 within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In

addition, the Significant Industrial User with an existing Wastewater Contribution Permit shall submit to the Director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (l) of Section 4.2.2.

D. Permit Conditions Wastewater Contribution Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, Significant Industrial User charges and fees established by the City. Permits may contain the following:

- 1) The unit charge or schedule of Significant Industrial User charges and fees for the wastewater to be discharged to a community sewer;
- 2) Limits on the average and maximum wastewater constituents and characteristics;
- 3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- 4) Requirements for installation and maintenance of inspection and sampling facilities;
- 5) Specifications for monitoring programs which may include sampling location, frequency of sampling, number, types and standards for tests and reporting schedule;
- 6) Compliance schedules;
- 7) Requirements for submission of technical reports or discharge reports (see 4.3);
- 8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- 9) Requirements for notification of the City or 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.
- 10) Requirements for notification of slug discharges as per 5.2;
- 11) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

E. 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 Significant Industrial 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 City 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.

F. Permit Transfer Wastewater Contribution Permits are issued to a specific User for a specific operation. A wastewater contribution 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 City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

G. Reporting Requirements for Permittee

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 Director 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.

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 Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, 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 paragraph (b)(4) of this section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

B. The Director may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) 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 Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. 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, Prt 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. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

5.25.080 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 expenses of the Significant Industrial User.

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

5.25.090 Inspection and Sampling The City 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 representative 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, Approval Authority (where the NPDES State is the Approval Authority) 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/or metering operation. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the Significant Industrial User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

5.25.100 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 shall be provided, operated, and maintained at the User's expense. Detailed plans showing the

pretreatment facilities and operating procedures shall be submitted to City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the Significant Industrial User of the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City 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 City prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

5.25.110 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 Disposal System 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 as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a 10-day notification is given to the User.

#### 5.25.120 Enforcement

A. Finding of Violation by Director Any User who violates the requirements or standards of this Title may be subject to a finding of a violation by the Director. The finding of a violation may be based on one or more of the following violations, such list not to be considered a complete list of possible violations of this Title :

1. Failure of a User to factually report the wastewater constituents and characteristics of the discharge;
2. Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
4. Violation of the general requirements of this Title or of the conditions of a Permit.

B. Enforcement Orders/Action Upon a finding by the Director that a person or building sewer is in violation of the requirements or standards of WMC 5.25, the Director may order any one, or more, of the following :

1. The discontinuation of the activity, use, or failure to take action that is in violation of the requirements or standards of this Title;
2. The abatement of the activity, use, or failure to take action that is in violation of the requirements or standards of this Title;
3. Submittal by the User of a plan for compliance with the terms of this Title. The plan shall include a schedule for completion and procedures to accomplish compliance. The director will review and approve, condition, or deny the plan as submitted by the User.
4. Any other action necessary to ensure compliance with all provisions of this Title, including suspension of sewer service and/or suspension of a Wastewater Contribution Permit for any building sewer impacted by the activity, use, or failure to take action that is in violation of the requirements or standards of this Title.

Notice of an enforcement order will be served, in writing, to any person 18 years or older in occupancy of the sewer building that is the subject of the enforcement order or to the owner of the sewer building as shown on the tax rolls of the Matanuska-Susitna Borough. In the case of no person 18 years or older occupying the property, or in the case of service on an owner who is not found to be occupying the property, certified mail service on the owner shall be deemed sufficient.

Suspension of sewer service and/or suspension of a Wastewater Contribution Permit will generally be available to the Director when necessary or desirable to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or to the environment, or causes interference to the City POTW or causes the City to violate any condition of its NPDES Permit.

Any person notified for a suspension of the sewer 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 City may take such steps as necessary or desirable, including the immediate severance of the sewer connection. Reinstatement of the sewer service and/or Wastewater Contribution Permit shall require proof, by the User, of the elimination of the non-complying discharge.

C. Protest Hearing Procedure In the event that a User disputes the finding by the Director that a violation of this Title has occurred or is occurring or in the event that a User disputes the Enforcement Order issued by the Director, then notice, in writing, shall be served by the User, requesting a hearing before the Mayor on the disputed issue(s). Such notice shall provide clear specification of 1) the issues in dispute, 2) the evidence that the User relies upon or will rely upon to dispute the findings/Order of the Director and 3) why the User believes the findings/Order of the

Director is in error.

The Mayor may appoint a designee to hold the hearing and provide a written report containing finding of facts and recommendation for the final decision by the Mayor.

1. The procedures for a hearing, if requested by the User, shall be as follows:

- a. The User has the right to a hearing before the Mayor or his/her designee.
- b. The User's request for a hearing must be in writing, signed by the User (or counsel of the User) and delivered to the Mayor's office within 3 business days of receipt of the findings/Order of the Director that is being disputed. The contents of such a request for a hearing shall include the notices described above. The User's failure to request a hearing within the time and manner provided shall be deemed a waiver of his or her appeal rights and to any appellate review to which he or she might have otherwise been entitled, and in such an event the Director's findings/Order becomes final. For good cause shown by the User, the Mayor may extend the time for presentation of the subjects to be specified and noticed by the User in the request for a hearing. Any such request for extension (of the presentation of subjects to be specified and noticed by the User in the request for a hearing) must be supported by a showing of good cause, in writing, and presented by the User within 3 business days of the receipt of the findings/Order of the Director that is being disputed.
- c. If the User duly delivers his or her request for a hearing, the Mayor or his/her designee will hold a hearing within 5 days from the date of receipt of the request. The Mayor or his/her designee may extend in writing the hearing date, but no extension of more than twenty (20) days shall be granted. The Mayor or his/her designee shall notify the User of the date, time and place of the hearing.
- d. The User, at his or her own expense, may be represented by counsel.
- e. The hearing shall be open to the public.
- f. All testimony shall be under oath. The proceedings shall be tape recorded. Upon written request, the User is entitled to a copy of the tape upon request and payment of the cost of reproduction. The User or representative of the User may examine and cross-examine witnesses. The Mayor or his/her designee may also question witnesses. Exhibits may be introduced. The Alaska rules of evidence need not be strictly followed. Irrelevant or unduly repetitious evidence may be excluded. The factual record is closed at the close of the hearing. The Mayor or his/her designee may continue the hearing for good cause.
- g. The order of presentation will be:

1. Brief opening statement by the City;
2. Brief opening statement by the User, which is optional;
3. Presentation of evidence by City;
4. Presentation of evidence by the User.
5. Rebuttal as necessary;
6. Argument by City;
7. Argument by User;
8. Rebuttal argument by City;

h. Although, as indicated below, the City must prove the existence of facts supporting the finding/Order of the User by preponderance of the presented facts, the User must prove, by preponderance of the evidence, the factual basis upon which he or she is relying to oppose the findings/Order.

2. If sewer service or the Wastewater Contribution Permit has not already been suspended by action of the Director, The Mayor, or his/her designee, as part of the hearing procedure noted above, may suspend such service or Permit. In the alternative, the Mayor, or his/her designee, may reinstate the sewer service or Permit pending a final decision on the hearing.
3. The Mayor may exercise independent judgment as to the weight of the evidence presented by the parties. The Director or other City representative shall prove the existence of facts substantiating the findings/Order in dispute by a preponderance of the presented facts.
4. The Mayor shall issue a written decision no later than 7 working days after the close of the hearing. The decision shall include findings of fact and a statement of the reason for the decision.
5. If the Mayor determines that a preponderance of the facts presented do not support the findings/Order of the Director, the Mayor may still impose a lesser form of findings/Order for the User to follow and abide by.
6. The affected User may appeal the Mayor's decision by filing a written notice of appeal with the Alaska Superior Court for the third Judicial District at Palmer in accordance with the Alaska Rules of Appellate Procedure. The Superior Court shall have no jurisdiction to hear the appeal unless the User files the notice of appeal

within 30 days after the User's receipt of the Mayor's decision. The Superior Court shall limit its review of the decision to whether or not substantial evidence exists, in light of the whole record, such that a reasonable mind might accept the decision.

7. The Mayor has the authority to negotiate alternative forms of findings/Orders at any time in the hearing process.

**5.25.130 PENALTIES AND REMEDIES** Violations of this Title may be subject to Enforcement Orders, as provided above in this Title, and may be further subject to the following penalties and remedies.

A. **General Provisions** Regardless of the alternative penalty/remedy that may be pursued by the Director or City, the following general provisions shall apply :

1) All remedies hereunder are cumulative and are in addition to those existing at law or equity.

2) At any stage in any proceeding to penalize or remedy a violation of this Chapter, the Mayor may mitigate fines or other penalties in order to promote settlement of a dispute on terms deemed just and equitable under the circumstances.

3) A proceeding to penalize or remedy a violation of this Chapter may include, but is not required to include, the owner of the building sewer or part thereof, any lessee or occupant of the building sewer or any part thereof, and/or the developer (including the developer's agents, contractors, subcontractors, and employees).

4) Each act in violation of this Chapter and every day a violation of this Chapter exists may be considered to constitute a separate violation.

5) The City may file a civil action to enforce this Chapter and/or issue an infraction citation pursuant to the procedures and substantive provisions that follow.

B. **Infraction Citation** The City may file an infraction citation to enforce this Chapter pursuant to the "General Penalty" procedures and substantive provisions set forth in WMC 1.24. The "General Provisions" set forth in this section, above, shall be considered to supplement the penalties and procedures of WMC 1.24.

C. **Civil Action** The City may file a civil action to enforce this Title. In such a civil action the City may request that the Court enter an order to enjoin a violator(s) from violating any provision of this Chapter. On application for injunctive relief and a finding of a violation or threatened violation, the court shall grant the injunction. The civil penalty that may be imposed by the Court for each violation may be in a sum not to exceed \$1,000.00, payable to the City. The City may request an award of its costs and attorneys fees incurred in the course of preparing, filing and prosecuting the civil action.

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

5.25.150 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 conflict.

SECTION V. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction: July 22, 1996

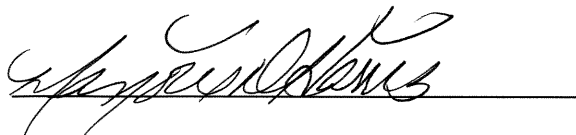
Public Hearing: August 12, 1996

ADOPTED by the Council of the City of Wasilla on this 26th day of August, 1996.



JOHN C. STEIN, MAYOR

ATTEST:



MARJORIE D. HARRIS, CMC

City Clerk