

AMENDMENT TO ORDINANCE 2007- 77
ADOPTION OF SEWER USE CODE
CITY OF NEW MUNICH

The City Council for the City of New Munich HEREBY ORDAINS:

That Ordinance 47 (An Ordinance Regulating the Use of Public Sewers for the City of New Munich) is hereby revoked in its entirety and replaced with this Ordinance which reads as follows:

“Section 1. Purpose and Policy. This Sewer Use Ordinance sets forth uniform requirements for discharges into the City's Publicly Owned Treatment Works (POTW) and enables the City to comply with all State (Minnesota Pollution Control Agency) and Federal (U.S. Environmental Protection Agency) laws. The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the treatment process or the beneficial reuse or disposal of the biosolids;
- B. To prevent the introduction of pollutants into the POTW that will pass through the system inadequately treated into receiving waters, atmosphere, or otherwise be incompatible with the system; and
- C. To comply with Federal (EPA) and State (MPCA) rules and regulations and to maintain eligibility for federal and state grants and loans for construction for improvements or upgrades; and
- D. To improve the ability to recycle and reclaim wastewater and biosolids from the system.

The Ordinance provides for the regulation of discharges into the City's wastewater disposal system through the issuance of permits to specific users and through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the setting of fees necessary to carry out the program established herein.

The Ordinance shall apply to the City and to all persons outside the City who are, by contract or agreement with the City, users of the City wastewater disposal system.

Section 2. Definitions

Subd. 1. Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings designated.

Subd. 2. "Act" means the Federal Water Pollution Control Act, as amended commonly referred as the Clean Water Act, United States Code, Title 33, Sections 1251 et seq.

Subd. 3. "Biosolids" means the nutrient-rich organics treated and tested residuals from the Wastewater treatment process that meet federal and state standards for the beneficial reuse as a fertilizers and as a soil conditioner.

Subd. 4. "Best Management Practices (BMP's)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition listed in 40 CFR 403.5. BMP also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Subd. 5. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 6. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

Subd. 7. "Carbonaceous Biochemical Oxygen Demand (CBODs)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

Subd. 8. "CFR" – The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

Subd. 9. "Chemical Oxygen Demand" or "COD" is a measure of the oxygen equivalent of that portion of organic matter that is susceptible to oxidation by a strong chemical oxidant, using EPA approved laboratory procedures.

Subd. 10. "City" means the City of New Munich or the City Council of New Munich.

Subd. 11. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

Subd. 12. "Director" means the Superintendent of Public Works or such other person designated by the City Council.

Subd. 13. "Domestic Waste" means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.

Subd. 14. "EPA" means the U.S. Environmental Protection Agency.

Subd. 15. "Flow" means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 16. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of said meat, fish, fowl, fruit, vegetables, and condemned food.

Subd. 17. "General Pretreatment Regulations" means the general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 18. "Indirect Discharge" means the introduction of pollutants or wastes into the POTW from any non domestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 19. "Industrial Discharge Permit or Permit" means a Permit issued by the City of New Munich to an Industrial User to use the City's disposal system as established herein.

Subd. 20. "Industrial Waste" means solid, liquid, or gaseous wastes, including cooling water excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource.

Subd. 21. "Industrial User" means any person who discharges industrial waste into the POTW.

Subd. 22. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes, operations, or solids processes, use or disposal and, therefore, is a cause of a violation of any requirement of the New Munich POTW's NPDES Permit or of the prevention of biosolids use or disposal with statutory provisions and regulations or Permits.

Subd. 23. "Leachate" means wastewater resulting from the percolation of rainwater and/or internal liquids through the deposited material in a solid waste disposal facility.

Subd. 24. "Liquid Waste" means wastewater collected from residential units, commercial/industrial buildings and institution within the community.

Subd. 25. "Liquid Waste Hauler" means a user that transports waste for the purpose of discharge to the WWTF.

Subd. 26. "Local Limits" means discharge limitation established by the POTW to protect the wastewater treatment process, infrastructure and the beneficial reuse of biosolids.

Subd. 27. "MPCA" means the Minnesota Pollution Control Agency.

Subd. 28. "MRP" means a Mercury Reduction Plan to ensure the maximum allowable mercury loading to the WWTF is not exceeded.

Subd. 29. "National Pollutant Discharge Elimination System (NPDES) Permit" means any Permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd. 30. "Non-Domestic Nutrient Contributor (NDNC)" means any non-domestic (as defined by subd. 12 Domestic Waste) wastewater source which is determined to contribute nutrients (as defined by subd. 31 Nutrients).

Subd. 31. "Nutrients" means elements and substances which are required to support living plants and organisms, including carbon, hydrogen, nitrogen, oxygen, and phosphorus.

Subd. 32. "Ordinance" means the set of rules contained herein governing the discharge of wastewater to the POTW.

Subd. 33. "Other Wastes" shall mean other substances except wastewater and industrial wastes.

Subd. 34. "Permittee" means an Industrial User authorized to discharge industrial waste into the City's POTW pursuant to an Industrial Discharge Permit.

Subd. 35. "Person" means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

Subd. 36. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of a solution. It is a measure of the acidity or basicity of a waste.

Subd. 37. "Phosphorus Management Plan" means the strategy used by the POTW, including pretreatment and operational procedures, to reduce the amount of phosphorus discharged to the environment.

Subd. 38. "Phosphorus Reduction Strategy (PRS)" means the process of reporting, evaluating and reducing the amount of phosphorus discharged to the POTW.

Subd. 39. "Pretreatment" means the process of reducing the amount of pollutants, eliminating pollutants, or altering 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 the City's wastewater disposal system. The reduction, elimination, or alteration may be obtained by

physical, chemical or biological processes, process changes or other means, except as prohibited by this Ordinance.

Subd. 40. "Pretreatment Standards" means standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to such standards.

Subd. 41. "Private Disposal Permit" means Permit required of a person other than single family dwelling to construct a private wastewater disposal system.

Subd. 42. "Publicly Owned Treatment Works (POTW)" means the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Subd. 43. "Public Utility" means the unit of municipal government and its people responsible for the operation of the POTW and this Ordinance.

Subd. 44. "Residual Solids" means solids and associated liquids in municipal wastewater, which are encountered and concentrated by a municipal wastewater treatment plant.

Subd. 45. "Rules" means the waste discharge rules for the New Munich disposal system contained herein.

Subd. 46. "Sanitary Sewer" means a sewer, which carries wastewater, and to which storm, surface, and groundwater are not intentionally admitted.

Subd. 47. "Sewer" means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

Subd. 48. "Sewer Control Board" means the Mayor and the one or more individuals designated by the City Council.

Subd. 49. "Sewer System" means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.

Subd. 50. "Shall" is mandatory; "may" is permissive.

Subd. 51. "Significant Industrial User" or "SIU" means all Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other Industrial User that discharges an average of 25,000 gallons per day or more of process

wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater), contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the control authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6). If, upon finding that an Industrial User meeting the criteria of this subdivision has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority, as defined in 40 CFR 403.12 (a), may, at any time, on its own initiative or in response to a petition received from an Industrial User or POTW and in accordance with 40 CFR 403.8 (f)(6) determine that such Industrial User is not a significant Industrial User. The City may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the conditions are met stated in 40 CFR 403.3 (v)(2)(i,ii,iii).

Subd. 52. "Slug" means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the POTW.

Subd. 53. "State" means the State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).

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

Subd. 55. "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting there from.

Subd. 56. "Total Suspended Solids (TSS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Subd. 57. "Total Toxic Organics" means the summation of all values greater than 0.01 mg/l of toxic organics listed in Section 307 (A) of the Act.

Subd. 58. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 59. "User" means any person who discharges, causes, or permits the discharge of wastewater into the City's wastewater disposal system.

Subd. 60. "Wastewater" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.

Subd. 61. "WWTF" means Wastewater Treatment Facility.

Section 3. Individual Sewage Treatment System.

Subd. 1. Public Sanitary Sewer System Not Available. Where a public sanitary or combined sewer is not available under the provision of Section 7, the building sewer shall be connected to an individual sewage treatment system complying with all state and county requirements.

Subd. 2. Removal of Private Septic Tanks. At the time a connection is made to the public sewer, any septic tanks or other private wastewater disposal facilities shall be removed or filled with suitable material approved by the Sewer Control Board.

Subd. 3. Maintenance of Private Disposal Facilities. The owner shall effectively operate and continuously maintain the private wastewater disposal facilities in a sanitary, satisfactory, and effective manner at all times, at the owner's own expense.

Subd. 4. Permission for POTW. Any person operating a private wastewater disposal system who wishes to discharge waste products to the New Munich POTW resulting from the treatment of domestic wastewater only shall obtain permission from the Director prior to the discharge occurring.

Section 4. Building Sewers and Connections.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof, except in accordance with the applicable provisions of the City Code as amended.

Subd. 2. The owner shall bear all costs and expenses incident to the installation and connection of the building sewer. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear

building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each shall contribute.

Subd. 4. An owner may use old building sewers in connections with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control Federation Manual of Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the City and discharged to the building sewer.

Subd. 7. No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

Subd. 8. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation Manual of Practice No. 9, and the American Society for Testing and Materials (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

Subd. 9. Employees of the City may inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the City.

Subd. 10. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, CBODs and suspended solids, as determined by the Sewer Control Board.

Section 5. Main and Lateral Sewers.

Subd. 1. No person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written Permit from the Sewer Control Board.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or others and subject to inspection during construction by Engineers and employees of the City. No sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

Section 6. Protection from Damage.

Subd. 1. No person shall maliciously, shall fully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is a part of the POTW.

Section 7. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Subd. 2. As set forth in Section 3, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 3. The owner of any building occupied within the City, or in any area under the jurisdiction of the City, and from which wastewater is discharged, shall be required to connect to the city's public sewer at owner's expense whenever the public sewer lines exist adjacent to or abut public streets or alleys. Additionally, if the occupied building is used for human occupancy, employment or recreation, the owner shall be required to install at the same time, toilet facilities in accordance with the Minnesota State Building Code and other ordinances of the City. The required connections are to be completed within twelve (12) months from substantial completion of project, after service of official notice to do so. The Public Works Superintendent, or its designated agent, shall give the official notice and such notice shall be served upon the owner personally or by certified mail. The City Council may order the connections done and may contract for it and assess the cost against the benefited property. The owner or occupant of any buildings connected by pipe with the public sewer shall keep the connecting pipes free from any obstructions. After connecting with public sewer, no outhouse, septic system or cesspools shall be allowed to remain upon the premises.

Subd. 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 7, Subd. 3, of this Ordinance, the City may undertake to have said

connection made and shall assess the cost of the connection against the benefited property and said assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this Ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, sub surface drainage, unpolluted cooling or process water to any sanitary sewer unless there is no prudent and feasible alternative and unless as approved by the Sewer Control Board.

Subd. 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the Sewer Control Board and the user may be required to obtain a NPDES Permit by the MPCA.

Section 8. Phosphorus Management.

Subd. 1. Any non-domestic, i.e. commercial or industrial source may be included as part of the Phosphorus Management Plan (PMP) and required to evaluate their phosphorus discharge to the POTW.

Subd. 2. Any significant non-domestic nutrient contributor (NDNC) of phosphorus, as determined by the Director, will be required to develop a Phosphorus Reduction Strategy (PRS). The NDNC will evaluate and /or update the PRS to include methods and/or steps taken to eliminate or reduce phosphorus loading to the POTW.

Section 9. Industrial Discharge Permit.

Subd. 1. Permit Requirement. Industrial Users discharging wastewater to the POTW shall apply for an industrial discharge permit in accordance with these rules unless the Director determines that the wastewater has an insignificant impact to the collection system or the POTW. No industrial user requiring a permit shall discharge to the POTW until the industrial user has been issued a permit. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain any hazardous waste license required by other authorities or to comply with other local, state, or federal requirements regarding waste disposal.

The criteria to be utilized by the Sewer Control Board or POTW to determine if an Industrial Discharge Permit shall be required include:

- A. An average flow loading greater than 25,000 gallons per operating day; or
- B. A hydraulic or organic loading greater than five (5%) percent of the average dry weather capacity of the POTW treatment plant; or

- C. Other users which have the potential to impact the POTW as determined by the Sewer Control Board.

Subd. 2. Permit Application.

- A. Existing Significant Industrial User. An existing Significant Industrial User or other person who is required to obtain an Industrial Discharge Permit shall complete and file a permit application with the POTW within (ninety) 90 days of notification. The appropriate permit fee shall accompany the permit application form at the time of application. A user shall have one (1) year from the date of notification by the City to obtain an Industrial Discharge Permit.
- B. New Significant Industrial Users. New significant Industrial Users proposing to connect or to commence a new discharge to the wastewater disposal system shall apply for an Industrial Discharge Permit prior to connection to or discharging into the wastewater disposal system (POTW). The Permit application may be obtained from the Director. No discharge into the POTW can commence until an Industrial Discharge Permit is received unless the Director has ruled that:
 - (i) an Industrial Discharge Permit is not required; or
 - (ii) a discharge waiver is granted to commence discharge pending final action by the Sewer Control Board.

Subd. 3. Incomplete or Deficient Application. If the Permit application is incomplete or otherwise deficient, the Director shall advise the applicant of such incompleteness or deficiency. An Industrial Discharge Permit shall not be issued until an application is complete.

Subd. 4. Issuance of Industrial Discharge Permit. Within sixty (60) days after receipt of a completed application form from the industrial user, the Director shall, upon a determination that the applicant is capable of compliance with the Industrial Discharge Permit conditions and these rules, issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

Types of Industrial Discharge Permits:

- A. A Standard Permit, with requirements for a specific facility, will be issued to an industrial user with a direct discharge connection to a public sewer. A Standard Permit will be issued to each Significant Industrial User, and other industrial users determined by the Director;
- B. A Liquid Waste Hauler Permit will be issued to an industrial user who transport and discharges industrial waste to the collection system and the POTW; and

- C. A Special Discharge Permit will be issued to an industrial user who discharges leachate, groundwater or other wastes to the collection system or the POTW for which other permit forms are not applicable.

Subd. 5. Permit Conditions. Industrial Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees established by the City Council. Permits shall contain the following:

- A. A summary of the penalties and surcharges applicable for violations of the terms of Permit as provided in Section 18 of this Ordinance.
- B. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- C. Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
- D. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- E. Requirements for installation and maintenance on inspection and sampling facilities;
- F. Requirements for access to the permittees premises and records;
- G. Requirements for installation, operation, and maintenance of pretreatment facilities; (See Section 14 on Pretreatment);
- H. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self-reporting schedule;
- I. Compliance schedules;
- J. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Director, and affording the Director access thereto;
- K. Requirements for notification to the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- L. Requirements for notification of slug discharges as provided in Section 13 of this Ordinance;
- M. Requirements for the specific location, time, and volume of discharge to the POTW for Liquid Waste Haulers;

- N. The requirement for Industrial Discharge Permit transfer as stated herein; and
- O. Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

Subd. 6. Permit Modification, Suspension, and Revocation. An Industrial Discharge Permit may be modified, suspended or revoked, in whole or in part, by the Sewer Control Board or City during its term for cause, including:

- A. Violation of these Rules;
- B. Violation of any terms or conditions of the Industrial Discharge Permit;
- C. Obtaining an Industrial Discharge Permit by misrepresentation or failure to disclose fully all-relevant facts;
- D. Amendment of these Rules;
- E. A change in the wastewater treatment process, which results in the Permittee's discharge having a significantly different and negative impact on the process;
- F. A change in the Permittee's industrial waste volume or characteristics which the Permittee knows or has reason to know shall or is likely to have, either by itself or by interaction with other wastes, a negative impact on the treatment process; and
- G. A change in the NPDES or SDS Permit requirements, or any other changes made by Local State and/or Federal Rules; and
- H. A determination by the Director that the Permittee's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the POTW.

Subd. 7. Time Schedule for Compliance. Any modifications in the Industrial Discharge Permit shall specify a reasonable time schedule for compliance.

Subd. 8. Refund of Permit Fee on Surrender or Revocation. A Permittee may surrender an Industrial Discharge Permit to the City prior to the Permit's scheduled termination. In the event that a permit is surrendered or revoked, the Permittee shall be refunded a pro rata portion of the Permit fee paid.

Subd. 9. Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for Permit reissuance a minimum of 180 days prior to the Permit's expiration date by filing with the POTW a Permit reissuance application. The terms and conditions of the Permit may be subject to modification by the Director during the term of

the Permit as limitations or requirements as identified in Section 12 are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

Subd. 10. Permit Transfer. Industrial Discharge Permits are issued to a specific user at a specific location, for a specific operation, except in the case of Waste Transport Haulers. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing Permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an Industrial Discharge Permit, the prior owner, if feasible, shall notify the POTW and the succeeding owner of said change in ownership and of the provisions of the Industrial Discharge Permit and these Rules. The new owner shall submit a new Permit application or shall submit to the POTW an executed statement agreeing to be bound by the terms and conditions of the existing Industrial Discharge Permit for the facility, in which case, upon consent of the POTW, the Permit shall continue in effect until its expiration date.

Subd. 11. Permit Fees. The Industrial Discharge Permit fee, paid to the City, for total waste (million gallons per year) for both initial and reissuance shall be as follows:

- A. Less than one (1) million gallons per year, annual permit fee of \$200 paid at the time of issuance or reissuance of industrial permit agreement.
- B. Between one (1) and ten (10) million gallons per year, annual permit fee of \$300 paid at the time of issuance or reissuance of industrial permit agreement.
- C. Greater than ten (10) million gallons per year, annual permit fee of \$400 paid at the time of issuance or reissuance of industrial permit agreement.
- D. Permit Application and Reissuance Application fee of \$100.

Section 10. Liquid Waste Hauler Requirements.

Subd. 1. Any person seeking to transport and subsequently discharge residential, commercial, institutional or industrial waste into the WWTF shall comply with applicable requirements specified in this section.

- A. Permit: Liquid Waste Haulers shall obtain an industrial discharge permit and shall comply with applicable requirements of these rules.
- B. Fee: An annual permit fee of \$100 is due at time of issuance or reissuance of industrial discharge agreement.
- C. Load Charge: Liquid Waste Haulers shall pay load charges to the City of New Munich within 30 calendar days after the billing date. Load charges are specified in the Liquid Waste Hauler's Permit.

- D. Approved Disposal Sites: Liquid Waste Haulers shall discharge only at approved disposal sites as designated by the Director.
- E. Conditions of Discharge: Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the Act, and any other requirements set forth by the Director.
- F. Sampling: Liquid Waste Haulers shall conduct sampling prior to transporting to the disposal site.

Subd. 2. Leachate and Contaminated Groundwater Discharge Requirements. Any person seeking to discharge leachate or contaminate groundwater into the WWTF shall apply to the Director for discharge approval.

- A. Application: A written application for approval to discharge leachate or contaminated groundwater into the WWTF shall be submitted to the director according to the following:
 - (i) An application for approval to discharge shall be submitted at least 15 days prior to initiation of the proposed discharge;
 - (ii) An application for approval to discharge for a duration greater than six (6) months shall be submitted at least 60 days prior to initiation of the proposed discharge;
 - (iii) The application shall be made in form established by the Director.
- B. Approval or Denial: Upon receipt of a complete application or discharge approval, the Director shall:
 - (i) Within 30 days, issue a written approval for discharges that will not exceed six (6) months of duration; or
 - (ii) Within 90 days, issue an industrial discharge permit for discharges that will exceed six (6) months of duration; or
 - (iii) Deny the request for discharging into WWTF and state the reasons for denial.
- C. Conditions of Discharge: Any person who has obtained a written approval or a permit shall discharge in accordance with the terms of the approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the Act, and any other requirements set forth by the Director.

Section 11. Prohibitive Discharge.

Subd. 1. No person shall discharge or cause to be discharged, directly or indirectly, into the POTW any of the following:

- A. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity shall or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the POTW operations. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (LEL), nor shall pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.
- B. Any solids or viscous substances, which shall or are likely to cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment plant. These include garbage with particles greater than one-half inch (2") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.
- C. Any wastewater having a pH less than 5.0 or greater than 12.0 or having any corrosive property that shall or is likely to cause damage or hazard to structures, equipment, or employee of the Public Utility.
- D. Any alkaline wastewater, which alone or with others shall or is likely to cause an elevated pH in the treatment plant influent so as to result in an inhibiting effect on the biological process or encrustation to the sewer.
- E. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either by itself or by interaction with other pollutants that shall or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.)
- F. Any noxious or malodorous solids, liquids, or gases, which either by itself or by interaction with other wastes, shall or are likely to create a public nuisance or hazard to life or prevent the entry of utility employees into a sewer for its monitoring, maintenance, and repair.

- G. Any wastewater, which shall or is likely to cause excessive discoloration in treatment plant effluent.
- H. Wastes, other than Domestic Wastes, that is infectious before discharging into the sewer.
- I. Any solids residual from an industrial pretreatment facility except as provided in Section 14.
- J. Heat in amounts which shall or is likely to inhibit biological activity in the treatment plant resulting in interference or causing damage to the treatment plant, but in no case heat in such quantities that the Industrial User's waste temperature is greater than 65°C (150°F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40°C (104°F).
- K. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/l that shall or is likely to solidify or become viscous at temperatures between 0 and 65C and which shall or is likely to cause obstruction to the flow in sewers or other interference to the POTW, including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
- L. Any slug discharged in such volume or strength, which a person knows, or has reason to know shall or is likely to cause interference to the POTW.
- M. Any substance, which shall cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- N. Any substance which may cause the POTW's effluent or any other product of the wastewater treatment process such as residues, sludges, or scum's, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater disposal system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.
- O. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that shall or is likely to cause interference with the POTW.
- P. Radioactive wastes or isotopes of such a half life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which shall or are likely to cause damage or hazards to the POTW or employees operating it.

- Q. Any hazardous waste, unless prior approval has been obtained from the Director.
- R. Any waste generated outside the area served by the POTW without prior approval of the Director.
- S. Any unpolluted water, including cooling water, rainwater, storm water or groundwater, unless there is no other prudent or feasible alternative.
- T. Any trucked or hauled wastes or pollutants, except if approved by the Director at discharge points designated by the POTW.
- U. Phosphorus or other nutrients that exceed acceptable limits as set by the POTW.

Section 12. Limitations on Wastewater Strength.

Subd. 1. Federal Pretreatment Standards. Federal Pretreatment Standards and General Pretreatment Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Ordinance unless the Director has applied for, and obtained from the MPCA, approval to modify the specific limits in the federal pretreatment standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued there under, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

Subd. 2. State Requirements. State requirements and limitations on discharges shall be met by all users which are subject to the standards in any instance in which they are more stringent than federal requirements and limitations or those in this Ordinance.

Subd. 3. City's Right of Revision. The City reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1 of this Ordinance.

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

Subd. 5. Variances.

- A. The City shall recognize and enforce the conditions allowed for by variances from Pretreatment Standards for fundamentally different factors as granted by EPA to individual Industrial Users in accordance with 40 CFR 403.13 of the General Pretreatment Regulations.

- B. The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with 40 CFR 403.12 of the General Pretreatment Regulations. A compliance schedule a part of the Industrial Discharge Permit shall be developed between the Sewer Control Board and the Industrial User to ensure that the Industrial User complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 6. Special Agreements. No statement contained in this Subsection, except as promulgated by the EPA as stated in Section 12, Subdivision 1, 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, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Subd. 7. Pretreatment Standards Notification. The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the POTW and the Industrial User to ensure that the Industrial User complies with local, state, and federal limitations in a timely manner as provided by the same Section of the General Pretreatment Regulations.

Subd. 8. Reports. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the POTW by affected users.

Subd. 9. BMP's. BMP's shall be considered local limits and Pretreatment Standards.

Section 13. Accidental and Slug Discharges.

Subd. 1. Prevention of Accidental and Slug Discharges. All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any waste prohibited in Section 11, or any waste in violation of an applicable pretreatment standard.

Subd. 2. Accidental Discharge. Accidental discharges of prohibited waste into the POTW, directly or through another disposal system, or to any place from which such waste may enter the POTW, shall be reported to the Director by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification shall not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any state or federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the Director within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- A. The time and location of the spill;
- B. Description of the accidentally discharged waste, including estimate of pollutant concentrations;
- C. Time period and volume of wastewater discharged;
- D. Actions taken to correct or control the spill; and
- E. A schedule of corrective measures to prevent further spill occurrences.

Subd. 3. Slug Discharge. In the event that an Industrial User discharges a Slug in such volume or strength that the Industrial User knows or has reason to know it shall cause interference in the POTW, the Industrial User shall immediately report the same to the Director. Within seven (7) days thereafter, the Industrial User shall send a letter to the Director describing the slug as specified under Accidental Discharge.

Subd. 4. Spill Containment Program Requirement. Any Industrial user with a significant potential to discharge materials listed in the prohibited discharge section of this ordinance is required to install and maintain an adequate spill containment system. General spill containment requirements are listed below:

- A. Process, storage, holding or treatment tanks containing materials listed in the prohibitive discharge section of this ordinance as well as the associated piping, pumps and other appurtenances must be contained if a spill or leak could enter the sewer. This includes tanks used for short-duration mixing, processing or storage.
- B. The City prohibits floor drains with direct connections to the public sewer in facilities that store toxic or flammable materials.
- C. The spill containment system must be capable of containing 100 percent of the volume of the largest tank of restricted material.

Acceptable Containment Systems Include:

- A. Diking. Diking may be used to spill contain single shell tanks. Diking usually consists of concrete blocks, concrete berming or other materials that form a permanent structural barrier. Portable spill containment trays/pallets are also acceptable.
- B. Self-Containment. Tanks of double shell construction are considered to be self-contained and do not require additional spill containment features unless there is a

significant likelihood of overflowing. These tanks consist of two independent structural shells with the outer shell capable of containing any leakage from the inner one. An air gap of at least one-inch must be provided between the inner and outer shell.

- C. Pits. Pits constructed under or around tanks are acceptable as spill containment. No openings, manual or electric gates or valves are allowed.

Subd. 5. Slug Discharge Control Plan. Any Significant Industrial User (SIU) that may batch discharge any wastewater (including from spill containment areas), treated or otherwise, and that discharge may potentially cause adverse impacts to the collection system or treatment plant must complete and implement a Slug Discharge Control Plan. Slug Discharge Control Plan must contain the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedure for promptly notifying the POTW of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and Section 11 of this Ordinance, with procedures for follow-up written notification within five (5) days;
- D. Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, and worker training;
- E. The Slug Control Plan must be maintained at the discharge location and be available to staff from the City, MPCA or EPA upon request.

Section 14. Pretreatment.

Subd. 1. Compliance with Standards. Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained in satisfactory and effective condition by the owner and at the owners expense, and shall be available for inspection by City employees at all reasonable times.

Industrial Users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial Users as required by their Industrial Discharge Permit shall submit to the Director for review detailed plans showing the pretreatment facilities at least sixty (60) days prior to initiation of construction. The Director shall approve the Industrial User's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

The Sewer Control Board's review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules. Any subsequent modifications in the pretreatment facilities which shall result in a substantial change in discharge shall be reported for approval by the Director upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the POTW without prior written approval from the Director. The disposal method shall be in accordance with local, state and federal requirements. The Director shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

Subd. 2. Separator and Trap Installations. Grease, oil, and sand separators and traps shall be provided for at the owner's expense for the proper collection of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. All records of separators and traps must be available for review by City personnel. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of solids. To prevent overloading, flow control baffles and any necessary inlet flow, control fitting shall be provided.

Separators and traps shall be maintained in efficient operation condition by periodic removal of any accumulated solids. Floating materials shall be removed before the accumulation is within two inches of the outlet. Settled solids shall be removed before the solids reach 75% of the trap or separator capacity. Solids removed from a separator or trap, for subsequent sewer disposal, shall be transported and discharged by a permitted liquid waste hauler.

Section 15. Confidential Information. User information obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets.

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 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 shall not be recognized as confidential information.

Information accepted by the Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten (10) day notification is given to the user.

Section 16. Severability and Conflicts.

Subd. 1. Severability. If the provisions of any section, paragraph, or sentence of these Rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Subd. 2. Conflicts. If conflicts arise between these Rules or Regulations previously adopted by the City, these Rules and the interpretations of them shall take precedence.

Section 17. Enforcement.

Subd. 1. Remedies Available. The Director may suspend the sewer system service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the POTW, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a suspension of the sewer system service and/or the Industrial Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The Director shall reinstate the Industrial Discharge Permit and/or the sewer system service upon proof of the elimination of the noncomplying discharge.

Subd. 2. Revocation of Permit. The Director may revoke the Permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant

changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its Permit, this Ordinance, or applicable state and federal regulations.

Subd. 3. Notification of Violation. Whenever the Director finds that any person has violated or is violating this Ordinance, Industrial Discharge Permit, or any prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 4. Public Hearing.

A. **Notice of Hearing.** If the violation is not corrected by timely compliance, the Director may order any user, which causes or allows an unauthorized discharge to show cause before the City Council 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 Council 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 Council 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 fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.

B. Hearing Officials. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee of the (assigned Department) to:

- (i) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (ii) Take the evidence; and,
- (iii) Transmit a report of the evidence and hearing, together with recommendations to the City Council for action thereon.

C. Issuance of Orders. After the City Council 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 or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 5. Legal Action. If any person discharges wastewater, 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.

Section 18. Penalties.

Subd. 1. Administrative Fines. Notwithstanding any other Section of this Ordinance, any user who is found to have violated any provision of this Ordinance, or Permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the City Council shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial Users desiring to dispute such fines must file a request for the City Council to reconsider the fine within ten (10) days of being notified of the fine. Where the City Council believes a request has merit, the City Council shall convene a hearing on the matter within thirty (30) days of receiving the request from the Industrial User.

Subd. 2. Criminal Penalties. Any person violating this Ordinance shall be guilty of a misdemeanor.

Subd. 3. Costs. In addition to the penalties provided herein, the City may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this Ordinance or the Orders, Rules, Regulations, and Permits issued hereunder.

Subd. 4. Costs of Damage. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage. The Director may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Ordinance.

Subd. 5. Falsifying Information. Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Industrial Discharge 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 or by imprisonment, or both.

Subd. 6. A penalty in the amount of Five Dollars (\$5.00) or 5% of the balance, whichever is greater, shall be added to all Public Utility accounts not paid in full by the due date. The penalty for late payment shall be added to each billing for which the account remains unpaid.

Subd. 7. Certification Fee. A Fifty-dollar (\$50.00) charge will be added to all accounts certified to the County Auditor's officer for collection. This fee is to be considered separate and distinct from any penalty of interest that may be charged by the County as a result of certification.

This ordinance is adopted the 2nd day of April, 2007 and shall be effective upon publication.

CITY OF NEW MUNICH

By Harold Klaphake
Harold Klaphake
Its Mayor

By Kelly Thelen
Kelly Thelen
Its Clerk

This ordinance was published on 4/20, 2007.