

Chapter 26.50 - SEWER SERVICE^[1]

Footnotes:

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Editor's note— AO No. 2000-129(S), §§ 1—25, effective Nov. 21, 2000, amended Ch. 26.50, in its entirety, to read as herein set out. For a detailed analysis of inclusion of said ordinance see the Code Comparative Table—Ordinances. Section 1 of AO No. 2000-129(S) amended the section analysis which precedes the new chapter.

Cross reference— Water and wastewater utilities commission, § 4.70.020; fines, § 14.60.030; public nuisances, ch. 15.20; wastewater disposal regulations, ch. 15.65; connection of on-site disposal systems to public sewer systems required, § 15.65.110; allocation of costs of sewer improvements, ch. 19.70; sewer assessments for connections, ch. 19.80; Uniform Plumbing Code, 2009 Edition amendments, ch. 23.25.

PART 1. - GENERAL PROVISIONS

26.50.010 - Purpose and objectives of chapter.

- A. This chapter sets forth uniform requirements for wastewater discharges into the municipal sewerage system and enables the municipality to comply with applicable state and federal laws required by the Clean Water Act, as amended, the National Pollutant Discharge Elimination System (NPDES) permit regulations (40 CFR 122), the Urban Area Pretreatment Regulations Applicable to Utilities with a 301(h) Waiver (40 CFR 125), and the General Pretreatment Regulations (40 CFR 403).
- B. The objectives of this chapter are to prevent the introduction of pollutants into the municipal sewerage system that:
 - 1. Will interfere with the normal operation of the system or contaminate the resulting sludge;
 - 2. Will pass through the treatment system inadequately treated and into receiving waters or otherwise be incompatible with the treatment system; or
 - 3. May cause a hazard to the life or health of utility personnel or the general public.
- C. This chapter provides for the regulation of wastewater discharges to the municipal sewerage system through the issuance of wastewater discharge permits to certain users and through enforcement of general requirements for all users. This chapter authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; provides for the setting of fees for the equitable distribution of costs resulting from the program established; and requires user reporting.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 2, 11-21-00; AO No. 2012-77, § 2, 8-7-12)

Note— Formerly § 26.50.011.

26.50.020 - Definitions.

- A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Applicable pretreatment standards means any of the discharge standards in sections 26.50.050 through 26.50.080. Where two or more standards are applicable, the most stringent shall apply.

Authorized representative of the user means:

1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is an LLC, the managing member. If there is no managing member then any member.
3. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
4. If the user is a Federal, State, or local governmental facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
5. The individuals described in paragraphs 1. through 4. above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the utility.

AWWU means the Anchorage Water and Wastewater Utility.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, usually expressed as a concentration in milligrams per liter (mg/L).

Best management practices or *BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs 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.

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

Categorical user means a user covered by one of EPA's Categorical Pretreatment Standards.

Composite sample means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Control manhole means a manhole through which the facility industrial wastewater flows, and which may contain installed equipment for wastewater sampling and flow measurement.

Cooling water means the water used for cooling which does not come into contact with any raw material, intermediate product, waste product or finished product. Cooling water may be generated from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Discharge means the introduction of pollutants into the municipal sewerage system from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches or tank trucks, and all constructed devices and appliances appurtenant thereto.

EPA means the United States Environmental Protection Agency.

Existing source means any building, structure, facility or installation from which there is or may be a discharge, the construction of which began before publication of proposed categorical pretreatment standards that are applicable to such source, if such standards are thereafter promulgated.

Existing user means any non-categorical user that is discharging wastewater prior to the effective date of this chapter.

Federal categorical pretreatment standards means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act and which applies to a specific category of industrial users.

Flow proportioned composite sample means a combination of individual samples of equal volume taken at equal intervals of flow from a waste stream, without consideration of the time between individual samples; or a combination of individual samples each of volume proportional to the waste flow rate at the time of sampling and taken at equal intervals of time.

General manager means the person designated by the municipality to supervise the operation of the sewerage system, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

Grab sample means a sample taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

Industrial user means any source of non-domestic pollutants introduced or discharged into the municipal sewerage system.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, causes, an inhibition or disruption of the municipal sewerage system, its treatment processes or operations, or its sludge processes, use or disposal; or which is a cause of a violation of any requirement of the municipality's NPDES permits (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the municipality in accordance with the following statutory provisions and regulations or permits issued thereunder, or more stringent state or local regulations: section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

Liquid waste hauler means any operator of pumper trucks used in the transport of domestic septic tank wastewater, commercial or industrial holding tank wastewater or other wastewater subject to discharge requirements established by the utility. The definition of liquid waste hauler is synonymous with septic hauler.

Medical waste means regulated identifiable medical wastes for which sewer disposal is not recommended by the national standards, as amended, applied by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Centers for Disease Control and Prevention (CDC), and College of American Pathologists (CAP), including but not limited to sharps, contaminated bedding, and gross body parts. If any of the above standards conflict, the more stringent will apply.

MOA means the Municipality of Anchorage.

Municipal sewerage system means any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the municipality.

New source means any building, structure, facility or installation from which there is or may be a discharge, for which construction is commenced after the publication of proposed pretreatment standards

under section 307(c) of the Act which are applicable to such source if such standards are thereafter promulgated in accordance with that section.

New sources shall have the following additional characteristics:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building structure, facility or installation are substantially independent of an existing source at the same site.

New user means a user that applies to the MOA for a new building permit or any person who occupies an existing building and plans to discharge wastewater to the municipal sewerage system after the effective date of this chapter. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an existing user if no significant changes are made in the manufacturing operation.

Non-domestic pollutant means any liquid, solid or gaseous substances, or combination thereof, resulting from any process of industry, manufacturing, trade or research, including but not limited to the development, recovering or processing of natural resources and leachate from landfills or other disposal sites.

Pass-through means the discharge of pollutants through the municipal sewerage system into waters of the United States in quantities or concentrations, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the municipality's NPDES permits, including an increase in the magnitude or duration of a violation, or a violation of applicable water quality standards.

Permit means an industrial wastewater discharge permit issued by the utility pursuant to this chapter.

Permittee means a person or user issued a wastewater discharge permit.

Person means 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. This definition includes all Federal, State, or local governmental entities.

pH means a measure of the acidity or alkalinity of a solution expressed in standards units ranging from 0 to 14, where 7 represents neutrality.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater.

Pretreatment means 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 the municipal sewerage system.

Pretreatment requirement means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standard means prohibited discharge standards, categorical pretreatment standards, and local limits or BMPs established by the utility.

Prohibited discharge standards or *prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 26.50.050 of this chapter.

Publicly owned treatment works (POTW) or sewerage system means any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which transfer wastewater to a treatment plant owned by the MOA.

RCA means the Regulatory Commission of Alaska.

Residential user (domestic user) means any person who contributes, causes or allows the contribution of wastewater into the municipal sewerage system of a similar volume and/or chemical make-up to that of a residential dwelling unit.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means human excrement and gray water (from household showers, dishwashing operations, etc.).

Sewer means any pipe, conduit, ditch or other device used to collect and transport wastewater or stormwater from the generating source.

Significant industrial user means a user of the municipal sewerage system that meets the criteria established under section 26.50.200(A).

Significant noncompliance means a significant violation or pattern of violations which meets one or more of the criteria listed under section 26.50.380.

Slug load means any substance released in a discharge at a rate or concentration that could cause a violation of the discharge standards in sections 26.50.050 through 26.50.080 or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Storm water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Suspended solids means the quantity of material removed from wastewater by laboratory filtration (EPA Method 160.2) and expressed in terms of milligrams per liter.

Time composite sample means a combination of individual samples of equal volume taken at equal intervals of time from a waste stream, without consideration of the flow within the waste stream.

Total aromatic hydrocarbons (TAH) means those collective dissolved and water-borne monoaromatic hydrocarbons, excluding floating surface oils and greases, as determined by EPA Method 602 plus xylenes.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic by the administrator of the Environmental Protection Agency under the provisions of section 301(a) of the act and listed in 40 CFR 401.15.

Treatment plant effluent means the discharge from the POTW into waters of the United States.

Upset means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this chapter or established as part of its wastewater discharge permit, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

User means any person or entity responsible for the discharge of wastewater into the municipal sewerage system.

Utility means the Anchorage Water and Wastewater Utility, owned and operated by the Municipality of Anchorage.

Wastewater means industrial or domestic wastewaters from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into the municipal sewerage system.

(AO No. 81-207; AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 3, 11-21-00; AO No. 2012-77, § 3, 8-7-12)

Cross reference— Definitions and rules of construction generally, § 1.05.020.

Note— Formerly § 26.50.012.

26.50.030 - Rates, fees and charges.

Sanitary sewer service rates, fees and charges are as established in the AWWU wastewater tariff, as adopted and approved by the Regulatory Commission of Alaska, unless another rate, fee or charge is provided for in a special contract filed with and approved by the Regulatory Commission of Alaska.

(AO No. 86-118, 9-4-86; AO No. 89-51(S-3); AO No. 91-142(S-1); AO No. 2000-129(S), § 4, 11-21-00)

Note— Formerly § 26.50.013.

PART 2. - RULES AND REGULATIONS

26.50.040 - General conditions of service.

- A. Customers accepting sanitary sewer service must agree to abide by the rules and regulations established in the duly approved AWWU Wastewater Tariff and by those set forth in this Code, including those alterations or amendments which may be made from time to time. The utility reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the municipal sewerage system.
- B. All users receiving sewer service are obligated to pay for such service in accordance with the applicable rate schedule as set forth in the approved AWWU Wastewater Tariff. However, in the case of a landlord/tenant relationship, the property owner will be held liable for all unpaid billings to the premises.
- C. Failure to receive a sewer billing for any given period of time does not relieve the customer of the responsibility for full payment for service provided. In the case of a failure by the utility to render a bill to the customer, back payments shall be limited to the most recent six-month period.
- D. The utility may enter the facilities of any user to determine whether compliance with the requirements of this Code and any wastewater discharge permit or order issued hereunder is being met and whether the user is complying with all requirements thereof. The user shall allow the utility or its representatives, upon presentation of credentials of identification, ready access to all parts of the premises of the user at all hours for the purposes of inspection, sampling or records examination and copying, and the performance of additional duties. The utility will have the right to set upon the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected shall be promptly removed by the user at the written or verbal request of the utility and shall not be replaced without written utility approval. The cost of clearing such access shall be borne by the user.
- E. No user shall install a sewer extension without a checkvalve if the lowest outlet in the building to be served is below the elevation of the top of the manhole nearest the service connection. Checkvalves are required in all existing sewer extensions if the lowest outlet in the building connected to the sewer is below the elevation of the top of the manhole nearest such service connection.
- F. No user shall install a sewer extension without providing a cleanout outside the building to be served, and, if the sewer extension consists of a pipe longer than 100 feet between the sewer main and the building to be served, without installing additional cleanouts at intervals not exceeding 100 feet. If the pipe connecting the sewer main to the building to be serviced changes direction in any manner

exceeding 45 degrees in one bend, or two or more bends placed in an interval of not greater than ten feet, additional cleanouts for each such change of direction shall be installed.

- G. The customer is responsible for all frozen sewer connections and extensions, unless otherwise provided in the AWWU Wastewater Tariff or this Code.
- H. When required by the utility, any commercial or industrial user shall install a suitable control manhole on his property to facilitate observation, sampling and measurement of wastes. Such manhole, when required by the utility, shall be accessible and safely located and shall be constructed in accordance with plans approved by the utility. Installation and maintenance expense shall be the responsibility of the property owner.

(AO No. 81-207; AO No. 86-118, 9-4-87; AO No. 86-119; AO No. 2000-129(S), § 6, 11-21-00; AO No. 2012-77, § 4, 8-7-12)

Note— Formerly § 26.50.021.

26.50.050 - Prohibited acts.

- A. It shall be unlawful for any user to:
 - 1. Introduce or cause to be introduced into the municipal sewerage system any pollutant or wastewater which causes pass through or interference. This general prohibition and the specific prohibitions below apply to all users whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
 - 2. Discharge or cause to be discharged any of the following described pollutants, substances, or wastewater into the municipal sewerage system:
 - a. Any stormwater, surface water, surface runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
 - b. Any water or wastewater which contains petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through or which in the opinion of the utility are in amounts greater than that which would be normally construed as incidental in normal discharges.
 - c. Any solid or viscous substance, or liquid that can become viscous when cooled, in amounts capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system such as, but not limited to, fat, grease, uncomminuted garbage, animal guts or tissues, hair, hide, fleshings or entrails.
 - d. Any wastewater which creates a fire or explosive hazard, including, but not limited to, wastewaters with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter.
 - e. Any wastewater having a pH lower than 5.0 or higher than 12.5 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
 - f. Any wastewater which results in the presence of toxic gases, vapors, or fumes in a quantity that, in the opinion of the utility, may cause worker health and safety problems.
 - g. Any wastewater containing radioactive substances except in compliance with applicable state or federal regulations.

- h. 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 health, or that are sufficient to prevent entry into the municipal sewerage system for its maintenance and repair.
 - i. Any substance that will cause the utility to violate its NPDES permit.
 - j. Any substance that may cause the municipal sewerage system's treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
 - k. Any wastewater that causes the temperature at the treatment works influent to exceed 40 degrees Celsius (104 degrees Fahrenheit).
 - l. Any pollutants, including oxygen demanding pollutants, released at a flow rate or concentration that, either singly or by interaction with other pollutants, will interfere with operation of the municipal sewerage system.
 - m. Any wastewater containing medical wastes from industrial users including but not limited to hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities.
3. Prohibited connection of sanitary sewer with storm sewer system. Interconnect or cause to be interconnected directly or indirectly any part of a sanitary sewer system with any part of a storm sewer system.
 4. Prohibited discharge at unapproved location. Discharge or cause to be discharged into a sanitary sewer any waters or wastes whatsoever other than through an approved, permanent sewer extension, or at a sewage dump station or other location that has been specifically so designated by the utility.
- B. Vandalism. No person or entity shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the municipal sewerage system.
- C. Any person or entity found in violation of this section shall be subject to the sanctions set out in this chapter.

(AO No. 81-207; AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 6, 11-21-00; AO No. 2012-77, § 5, 8-7-12)

Note— Formerly § 26.50.022.

26.50.060 - Specific discharge limitations.

- A. No user receiving sewer service may discharge or cause to be discharged, either directly or indirectly, into the municipal sewerage system, any wastewater containing concentrations of pollutants in excess of the following:

	Pollutant	Limitation (mg/l)
1.	Arsenic	3.7
2.	Beryllium	14.5

3.	Cadmium	0.69
4.	Chromium	2.77
5.	Copper	3.38
6.	Cyanide	1.7
7.	Lead	0.69
8.	Mercury	0.2
9.	Nickel	3.88
10.	Oil or Grease of Animal or Vegetable Origin	250
11.	Silver	2.5
12.	Total Aromatic Hydrocarbons	5.0
13.	Zinc	5.62

B. The limitations listed in subsection A. of this section apply to the total discharge from a user at the point where the wastewater is discharged to the municipal sewerage system. All concentrations for metallic substances are for total metals. The general manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above. Where a user is also subject to a state limitation (section 26.50.070) or a federal categorical pretreatment standard (section 26.50.080), the more stringent limit or applicable pretreatment standard shall apply.

(AO No. 81-207; AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 6, 11-21-00)

Note— Formerly § 26.50.023.

26.50.070 - Compliance with state limitations on discharge.

No user may discharge to the municipal sewerage system any wastewater in violation of a state discharge limitation, including but not limited to Solid Waste Management Regulations, 18 AAC 60; Water Quality Standards, 18 AAC 70; and Wastewater Disposal Regulations, 18 AAC 72.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 7, 11-21-00)

Note— Formerly § 26.50.024.

26.50.080 - Compliance with federal categorical pretreatment standards.

- A. The Federal Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated. It shall be unlawful for any user to discharge into any public sanitary sewer in violation of such applicable standards.
- B. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- C. Compliance by existing sources covered by Federal Categorical Pretreatment Standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The utility shall establish a final compliance deadline date for any existing user not covered by Federal Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than the Federal Categorical Pretreatment Standard. New sources and new users are required to comply with applicable pretreatment standards within 90 days from the beginning of discharge. New sources and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

(AO No. 81-207; AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 8, 11-21-00; AO No. 2012-77, § 6, 8-7-12)

Note— Formerly § 26.50.025.

26.50.090 - Dilution prohibited as substitute for treatment.

- A. 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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard, limitation or requirement.
- B. The utility may impose mass limitations on users that it believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is deemed appropriate by the utility.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 9, 11-21-00; AO No. 2012-77, § 7, 8-7-12)

Note— Formerly § 26.50.026.

26.50.100 - Accidental and slug discharges.

- A. Each user shall provide protection from discharges including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The general manager may require any user to develop and implement an accidental discharge/slug control plan in accordance with D. below. Where necessary, facilities to prevent accidental or slug discharges of pollutants shall be provided and maintained at the user's expense. An accidental spill prevention plan/slug control plan to provide this protection shall be submitted to the utility for review and approval before implementation. The utility shall determine which user is required to develop a plan and require said plan to be submitted within 60 days after notification by the utility. Each user shall implement its plan as submitted or as modified after such plan has been reviewed and approved by the utility. Review and approval of such plans and operating procedures by the utility shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this section.

- B. Users shall notify the utility in person or by calling 564-2762 immediately upon the occurrence of an accidental or slug discharge. The notification shall include the location of the discharge, the date and time thereof, the type of waste, the concentration and volume, and the corrective actions taken.
- C. Within five (5) days following an accidental or slug discharge, the user shall submit to the utility a detailed written report describing the cause of the discharge and measures to be taken by the user to prevent similar future occurrences. Such written notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage of the municipal sewerage system; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this chapter or any other applicable law.
- D. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
 - 1. Description of discharge practices, including non-routine batch discharges;
 - 2. Description of stored chemicals;
 - 3. Procedures for immediately notifying the utility of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in sections 26.50.50 through 26.50.80 of this chapter; and
 - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
 - 5. Requirements for signs to be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 9, 11-21-00; AO No. 2012-77, § 8-8-7-12)

Note— Formerly § 26.50.027.

26.50.110 - Operating upsets.

- A. *[Notification.]* Any user that experiences an upset in operations that places the user in a temporary state of noncompliance with this chapter or a wastewater discharge permit issued pursuant hereto shall inform the utility thereof within 24 hours of first awareness of the commencement of the upset.
- B. *[Follow-up report.]* Where such information is given orally, a written follow-up report shall be filed by the user with the utility within five (5) days providing the following information:
 - 1. Description of the upset, the cause thereof and the upset's impact on a user's compliance status.
 - 2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 - 3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.
- C. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of section D (Conditions Necessary for Demonstration of Upset) are met. The user is responsible during an upset to take reasonable measures to control production and/or discharges to reestablish and maintain compliance with this permit.
- D. *Conditions necessary for demonstration of upset.* To establish the affirmative defense of upset, the user shall demonstrate, through properly signed, contemporaneous operating logs, other relevant evidence indicating:

1. An upset occurred and the user identifies the cause(s) of the upset;
 2. The permitted facility was, at the time of the upset, being properly operated;
 3. The user submitted notice of the upset as required under sections 26.50.110 A. and B.
- E. *Burden of proof.* In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.

(AO No. 2000-129(S), § 10, 11-21-00; AO No. 2012-77, § 9, 8-7-12)

26.50.120 - Notice of intent to commence new or significantly altered discharge.

- A. The following users shall file a written notice of intent with the utility at least 90 days before commencing discharge into the municipal sewerage system:
1. Users purchasing an existing facility from which a discharge of a non-domestic pollutant into the municipal sewerage system is proposed.
 2. Users constructing a new facility from which a discharge of a non-domestic pollutant into the municipal sewerage system is proposed.
 3. Users proposing to discharge a non-domestic pollutant into the municipal sewerage system from a facility which currently does not discharge a non-domestic pollutant.
 4. Users proposing to discharge a non-domestic pollutant into the municipal sewerage system from a categorical industry or process.
 5. Users planning to alter or change the activity at the user's facility that will significantly increase or decrease the volume or alter the content of any existing source of non-domestic pollutant discharge into the municipal sewerage system. This does not include changes in volume or content resulting from shifts in existing production levels at the user's facility. For purposes of this subsection, a significant increase or decrease is defined as a 30 percent increase or decrease in the volume of wastewater currently being discharged by a user whose daily average volume of wastewater discharged into the municipal sewerage system is 100,000 gallons per day or less. For users whose daily average volume of wastewater discharged into the municipal sewerage system is greater than 100,000 gallons per day, a significant increase or decrease is defined as a ten percent increase or decrease in the volume of wastewater currently being discharged. An alteration is defined as any change in chemicals utilized within a process, which will significantly alter the characteristics of the wastewater discharge.
- B. Users identified under section A. shall submit the notice of intent in writing on a form provided by the utility and shall contain such information as required to allow the utility to evaluate the effect of the proposed discharge on its facilities and operations and to ensure compliance with this chapter.
1. The notice of intent shall be signed by a principal executive officer of the user, or a designee.
 2. The user must receive written approval of the notice of intent from the utility before commencing or significantly altering its discharge.
 3. Based upon the utility's evaluation of the notice of intent, the user may be required to provide additional information, in accordance with section 26.50.210.
 4. The user may be issued a wastewater discharge permit or a permit modification, as appropriate, in accordance with section 26.50.240.
- C. Hazardous waste notification. Any industrial user discharging more than 15 kilograms of hazardous waste, as defined in 40 CFR 261 (listed or characteristic wastes), in a calendar month, or any facility discharging any amount of acutely hazardous wastes, as specified in 40 CFR 261.30(d) and 261.33(e), is required to provide a one time notification in writing to the utility and to EPA Region 10 Office of Air, Waste, and Toxics Director. Any user exempt from this notification shall comply with the requirements

contained herein within 30 days of knowledge of a discharge of 15 kilograms of hazardous wastes in a calendar month, or any discharge of acutely hazardous waste to the utility sewerage system.

1. Such notifications shall include:
 - a. The name of the hazardous waste, as set forth in 40 CFR Part 261;
 - b. The EPA hazardous waste number; and
 - c. The type of discharge (continuous, batch, or other).
 - d. If an industrial user discharges more than 100 kilograms of such waste per calendar month to the sewerage system, the notification shall also contain the following information, to the extent it is known or readily available to the industrial user:
 - i. An identification of the hazardous constituents contained in the wastes;
 - ii. An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month; and
 - iii. An estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.
2. These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.
3. When the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the utility of the discharge of such substances within 90 days of the effective date of such regulations.
4. For any notification under this section, an industrial user shall certify the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the user has determined to be economically practical.

(AO No. 86-118, 9-4-86; AO No. 86-218; AO No. 2000-129(S), § 11, 11-21-00; AO No. 2012-77, § 10, 8-7-12)

Note— Formerly § 26.50.028.

26.50.130 - Control manhole.

- A. Any user discharging a new source of nondomestic pollutants into the municipal sewerage system shall, unless this requirement is waived upon formal request, construct and maintain a control manhole to allow inspection, control and flow measurement of each wastewater discharge to the municipal sewerage system.
- B. Any user discharging an existing source of non-domestic pollutants into the municipal sewerage system shall, at the request of the utility, construct and maintain a control manhole to allow inspection, sampling and flow measurement of each wastewater discharge to the municipal sewerage system.
- C. Each control manhole shall be situated on the user's premises, as defined in the utility's design criteria. Whenever applicable, the general manager may require the construction and maintenance of sampling facilities at specific locations (e.g., at the end of a manufacturing line or a wastewater treatment system). There shall be ample room in or near such control manhole or sampling facilities to allow accurate sampling and preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the user. Access to the control manhole shall be available at all times. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

- D. To ensure that any control manhole constructed is acceptable for use by the utility, drawings and specifications for such facilities shall be submitted to the utility for review and must be acceptable to the utility before construction of the facility.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 11, 11-21-00)

Note— Formerly § 26.50.029.

26.50.140 - Utility inspection and sampling.

- A. The utility may inspect the monitoring facilities and wastewater pretreatment facilities of any user to determine compliance with the requirements of this chapter. The user shall allow the utility or its representatives, exhibiting proper credentials and identification, ready access to all parts of the premises of the user at all times for the purposes of inspection, sampling, and any additional duties, and during regular business hours for the purpose of records examination and copying.
- B. The utility is authorized to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.
- C. Where a user has security measures in force requiring proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the utility shall be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 11, 11-21-00; AO No. 2012-77, § 11, 8-7-12)

Note— Formerly § 26.50.030.

26.50.150 - Wastewater pretreatment facilities.

- A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance within the time limitations specified by the state, EPA, or the utility, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the utility shall be provided, operated and maintained at the user's expense.
- B. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the utility for review, and must be acceptable to the utility before construction of the facility. The review of such drawings, specifications and operating procedures will not relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the utility under the provisions of this chapter.
- C. Any subsequent changes in the pretreatment facilities or method of operation shall be reported in writing and be acceptable to the utility at least 30 days prior to the user's initiation of the changes.
 - 1. Bypass of pretreatment facilities is prohibited, unless:
 - a. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; or
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime;
 - i. This condition is not satisfied if adequate back-up equipment should have been installed, in the exercise of reasonable engineering judgment, to prevent bypass occurring during normal periods of equipment downtime or preventative maintenance; and

- c. The permittee submitted notices as required under subsection 2. below.
- 2. Notice to the utility is required for the following bypass circumstances:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, at least ten (10) days before the date of bypass, if possible.
 - b. Unanticipated bypass. The permittee shall notify the utility by phone within 24-hours from the time it becomes aware of an unanticipated bypass event. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- D. Grease, oil, and sand interceptors shall be required when, in the opinion of the general manager, interceptors are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand;
 - 1. Except such interceptors shall not be required for residential users.
 - 2. All interception units shall be of type and capacity approved by the general manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 11, 11-21-00; AO No. 2012-77, § 12, 8-7-12)

Note— Formerly § 26.50.031.

26.50.160 - Connection to sanitary sewer system.

- A. As contained in section 15.65.110, the following are requirements for connection to the public sanitary sewer system:
 - 1. When section 15.65.110 prohibits the operation of an on-site wastewater disposal system that system must be removed or abandoned, and rendered harmless at the owner's expense.
 - 2. Any lot which is served by on-site wastewater disposal system and for which there is not a second replacement disposal site and to which public sewer is available must connect to public sewer at such time as the on-site wastewater disposal system fails or requires upgrading. Simple repairs of broken pipes, moving parts, or accidental puncture of the tank may be accomplished in accordance with original design standards.
 - 3. A public sewer system is available to a lot or parcel:
 - a. When a public sewer line extends the full frontage of at least one side of the lot or parcel; or
 - b. When the lot or parcel abuts a cul-de-sac in which a sewer line extends past the center of the bulb of the cul-de-sac.
 - 4. Lots which contain less than 40,000 square feet within lot lines may not construct an on-site wastewater disposal system if the public sewer system has been approved or installed in accordance with title 19. An approved system means a system which will be under construction within one calendar year from the application for an on-site wastewater disposal system.
 - 5. A person may not operate a holding tank for more than 60 days after a public sewer is available.
 - 6. A property where public sewer was not extended by title 19, with the vote and approval of the property owners, will not be assessed for sewers unless the property owner completes a sewer connect permit application. Upon issuance of the sewer connect permit, the property will be assessed through a permission to enter (PTE) or levy upon connection (LUC) procedure.

- B. The design and installation of main line extensions and service connections shall meet the current edition of the utility's Design Criteria for Sanitary Sewer and Water Improvements.

(GAAB 16.45.050; AO No. 86-118, 9-4-86; AO No. 86-119; AO No. 91-120; AO No. 2000-129(S), § 12, 11-21-00)

Note— Formerly § 26.50.032.

26.50.170 - Industrial management practice plans.

- A. The general manager may require any user to develop, submit for approval, and implement an Industrial Management Practice Plan (IMP). An IMP shall address, at a minimum, the following:
 1. Description of discharge practices, including nonroutine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the utility of any accidental or slug discharge or load, as required by section 26.50.100; and
 4. Plans and procedures to minimize the discharge of toxic or hazardous pollutants to the municipal sewerage system, or reduce the impact of toxic/hazardous pollutant discharges by avoiding short-term, high concentration discharges. Such plans and procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, waste recycling and minimization, and/or measures and equipment for emergency response.

(AO No. 2000-129(S), § 13, 11-21-00)

26.50.180 - Hauled wastewater.

- A. Septic tank waste and other liquid wastes approved for discharge may be introduced into the municipal sewerage system only at the Turpin Street or the King Street Septage Dump Stations or locations designated by the general manager, and at such times as are established by the general manager. Such wastes shall not violate Part 2 of this chapter or any other requirements established by the utility. The general manager may require liquid waste haulers to obtain wastewater discharge permits.
- B. The general manager may require generators of hauled commercial or industrial waste to obtain wastewater discharge permits. The general manager may require haulers of commercial or industrial waste, including but not limited to wastes from sediment traps, industrial (categorical and non-categorical) or commercial holding tanks, grease traps, and oil/water separators, to obtain utility approval for the acceptance of said wastes. Special conditions for acceptance of such waste may be established in an addendum to the hauler's wastewater discharge permit. The permit addendum will specify any special conditions and/or procedures for the utility approved collection, sampling and disposal of such waste types. The general manager also may prohibit the disposal of hauled commercial or industrial waste.
- C. Liquid waste haulers shall provide, upon request, a report on a form prescribed by the utility. This form shall include, at a minimum, the name and address of the liquid waste hauler, discharge permit number, truck identification, names and addresses of source(s) of waste, and volume and characteristics of waste. The form shall identify the type of commercial or industrial business, known or suspected waste constituents, and that the wastes are considered non-hazardous under RCRA (Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; see 40 CFR 261). The general manager may require the liquid waste hauler to provide a waste analysis of any commercial or industrial load or mixed loads prior to discharge.

(AO No. 2000-129(S), § 13, 11-21-00; AO No. 2012-77, § 13, 8-7-12)

26.50.190 - Special agreement.

The utility reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the municipal sewerage system. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Regional Administrator of EPA Region X in accordance with 40 CFR 403.13.

(AO No. 2000-129(S), § 13, 11-21-00)

PART 3. - WASTEWATER DISCHARGE PERMITS

26.50.200 - Requirement to obtain permit.

- A. No significant industrial user shall discharge wastewater into the municipal sewerage system without first obtaining a wastewater discharge permit from the utility. The utility will establish the status as a significant industrial user, if the user:
1. Is subject to categorical pretreatment standards; or
 2. Meets one or more of the following criteria:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the municipal sewerage system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic capacity of the treatment plant or contains more than 1,000 pounds/day (daily maximum) or 500 pounds/day (monthly average) of non-domestic BOD or suspended solids; or
 - c. Is designated as such by the Municipality on the basis that it has a reasonable potential for adversely affecting the municipal sewerage system's operation or for violating any pretreatment standard or requirement.
 3. Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the municipal sewerage system's operation or for violating any pretreatment standard or requirement, the municipality may at any time on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- B. The utility may require other users obtain wastewater discharge permits as necessary to carry out the purposes of this chapter. All users shall provide appropriate information to the utility as the utility may require.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the permittee to the sanctions set out under Part 4 of this chapter.
- D. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

- E. Any user required to obtain a wastewater discharge permit must obtain such permit prior to commencing discharge. An application for this wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will commence.

(AO NO. 86-118, 9-4-86; AO No. 2000-129(S), § 14, 11-21-00; AO No. 2012-77, § 14, 8-7-12)

26.50.210 - Application contents.

- A. All users required to obtain a wastewater discharge permit must submit a permit application on a form prescribed by the utility. The utility may require all users to submit as part of an application the following information:
 - 1. All information required under section 26.50.270 of this chapter.
 - 2. Other information on the user's facility, processes, raw material, flows, pollutant discharge, storage areas, production, and other environmental permits held.
- B. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(AO No. 2000-129(S), § 16, 11-21-00)

26.50.220 - Issuance.

The utility will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the utility will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within thirty (30) days of full evaluation and acceptance of the data furnished.

(AO No. 2000-129(S), § 16, 11-21-00; AO No. 2012-77, § 15, 8-7-12)

26.50.230 - Contents.

- A. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the utility to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the municipal sewerage system. Wastewater discharge permits shall contain the following conditions:
 - 1. A statement indicating the permit duration, which shall be no longer than five (5) years;
 - 2. A statement that the wastewater discharge permit is non-transferable without prior notification and written approval from the utility and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - 3. Applicable pretreatment standards and requirements, including any special state or federal requirements;

4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
 5. Requirement for immediate notification to the utility where self-monitoring results indicate non-compliance;
 6. Requirement to report a bypass or upset of a pretreatment facility;
 7. Requirement for the significant industrial user who reports non-compliance to repeat the sampling and analysis and submit results to the utility within 30 days after becoming aware of the violation;
 8. A statement of applicable civil, criminal, and administrative penalties for violation of the permit and any applicable compliance schedule.
- B. A permit may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal sewerage system;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the municipal sewerage system;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
 8. Any special agreements the general manager chooses to continue or develop between the utility and user;
 9. Other conditions as deemed appropriate by the general manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(AO No. 2000-129(S), § 16, 11-21-00; AO No. 2012-77, § 16, 8-7-12)

26.50.240 - Modifications.

- A. The terms and conditions of a wastewater discharge permit may be subject to modification by the utility at any time as limitations or requirements as identified in sections 26.50.040 through 26.50.170 are modified or other just cause exists. Other causes for modifying a permit include, but are not limited to, violation of the permit, significant changes in the user's operation, processes, or wastewater volume or character; changes in the municipal sewerage system that require a reduction in the authorized discharge; information indicating that the permittee or discharge poses a threat to the municipal sewerage system. Utility personnel, or the receiving waters; to revise incomplete or incorrect information; to correct typographical or other errors in the permit; and to reflect a transfer of the facility ownership or operation to a new owner or operator.

- B. A permit may also be modified to incorporate special conditions resulting from the issuance of a compliance order in accordance with section 26.50.360.
- C. Any modifications which result in new conditions in the permit shall include a reasonable time schedule for compliance, if necessary.

(AO No. 86-118, 9-4-86; AO No. 86-218; AO No. 2000-129(S), § 17, 11-21-00)

Note— Formerly § 26.50.044.

26.50.250 - Duration; renewal.

- A. All permits will be issued for a term not to exceed five (5) years, subject to amendment or revocation as provided in this chapter.
- B. At least 180 days before expiration of a permit, the user shall submit a new permit application in a form designated by the utility in accordance with [SUB]section C. below.
- C. The application for the permit shall consist of a written request for issuance of the permit, including a statement that all terms and conditions of the existing permit and this chapter are being complied with. This statement shall be signed and sworn to by a principal executive officer of the user, or a designee, and contain the certification statement specified in section 26.50.210B.
- D. The general manager or a designee may authorize a categorical user to forgo sampling of a pollutant regulated by a categorical pretreatment standard if the categorical user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the user. This waiver authorization is subject to the following conditions:
 - 1. When a pollutant is solely present due to sanitary wastewater discharges from the facility, provided the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 - 2. The monitoring waiver is valid for the duration of the effective period for the permit, but no longer than five (5) years. The user must submit a new request for the waiver with each permit renewal before it can be granted.
 - 3. To demonstrate a pollutant is not present, the categorical user must provide data from at least one sampling of the facility's process wastewater prior to treatment at the facility that is representative of all wastewater from all processes.
 - 4. The waiver request must be signed by an authorized representative of the user and include the certification statement in section 26.50.210 B.
 - 5. Non-detectable sample results may only be used to demonstrate the absence of a pollutant if the EPA approved method from 40 CFR 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - 6. Any waiver that is issued must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the utility for three (3) years after the expiration of the waiver.
 - 7. Upon approval of a waiver, the user must certify on reports that there has been no increase in the pollutant in its wastestream due to activities of the user and include the following certification statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR ____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the

level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Anchorage Municipal Code section 26.50.280."

8. In the event a waived pollutant is found to be present or expected to be present, the user must immediately comply with monitoring requirements of section 26.50.280, or other more frequent monitoring requirements imposed by the utility, and notify the utility.
9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 17, 11-21-00; AO No. 2012-77, § 17, 8-7-12)

Note— Formerly § 26.50.045.

26.50.260 - Transfer.

- A. Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the utility. Sale of a source shall obligate the purchaser to seek prior written approval of the utility for continued discharge to the municipal sewerage system.
- B. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 60 days notice to the general manager and the general manager approves the wastewater discharge permit transfer. The notice to the general manager must include a written certification by the new owner and/or operator which:
 1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 2. Identifies the specific date on which the transfer is to occur; and a point of contact for the permittee as of the date of transfer.
 3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- C. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.
- D. Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner's permit.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 17, 11-21-00)

Note— Formerly § 26.50.046.

26.50.270 - Baseline monitoring reports.

- A. Within 180 days after either the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the municipal sewerage system shall submit to the utility a report which contains the information listed in subsection B. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the utility a report which contains the information listed in subsection B. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- B. Users described above shall submit the information set forth below.
1. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 2. *Environmental permits.* A list of any environmental control permits held by or for the facility.
 3. *Description of operations.* A thorough description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user, including a list of all raw materials and chemicals stored at the facility which are, or could accidentally or intentionally be, discharged to the municipal sewerage system; number and type of employees; hours of operation; each product produced by type, amount, process or processes and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram, which indicates points of discharge to the municipal sewerage system from the regulated processes.
 4. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the municipal sewerage system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 5. *Measurement of pollutants.*
 - a. The user shall identify the applicable categorical pretreatment standards for each regulated or manufacturing process;
 - b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in sections 26.50.290 and 26.50.300. In cases where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit an Industrial Management Practice Plan (IMP) as described in section 26.50.170.
 - c. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted as part of the application.
 6. *Certification.* A statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in section 26.50.210, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements;
 7. *Compliance schedule.* If additional pretreatment and/or operation and maintenance will be required to meet the applicable pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance. The user's schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.) No increment of progress shall exceed nine months. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
 8. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 26.50.210.

(AO No. 2000-129(S), § 18, 11-21-00; AO No. 2012-77, § 18, 8-7-12)

26.50.280 - Periodic compliance status reports.

- A. Any significant industrial user whose permit requires compliance with a federal categorical pretreatment standard shall submit periodic compliance status reports to the utility during the months of June and December, unless required on other dates or more frequently by the utility. The frequency of monitoring shall be as prescribed within the waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.
- B. Any significant industrial user whose permit requires compliance with standards contained in sections 26.50.050 and 26.50.060 shall submit periodic compliance status reports in accordance with the terms and conditions of its wastewater discharge permit, but in no case less than twice per year. At a minimum, this report shall consist of an indication of the nature and concentration of all regulated pollutants that are required to be monitored, and the measured or estimated average and maximum daily flows for the reporting period. The report shall be based on at least one sampling event during the period covered by the report. If any pollutant is monitored more frequently than required by the user's wastewater discharge permit, the results of this monitoring shall be included in the report. Sampling shall be representative of the user's daily operations and shall be taken in accordance with the requirements specified in section 26.50.290.
- C. Any user subject to a compliance schedule under subsection 26.50.270B.7. shall submit a progress report to the utility not later than 14 days following each date in the schedule and the final date for compliance. The report shall include, at a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.
- D. Any user subject to equivalent mass or concentration limits or by unit production limits shall report production data during the sampling period.
- E. If the utility calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flow from the regulated process flows, dilution flows and non-regulated flows.
- F. All periodic compliance status reports required under this section shall be signed and sworn to by a principal executive officer of the significant user, or a designee, and contain the certification statement specified in section 26.50.210 B.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 19, 11-21-00; AO No. 2012-77, § 19, 8-7-12)

Note— Formerly § 26.50.047.

26.50.290 - Sampling requirements for user self-monitoring.

- A. Grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the utility. The samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the utility, as appropriate.
- B. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for analyses of oil and grease, pH, cyanide, phenols, sulfides, or

volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the utility may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the utility shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable pretreatment standards and requirements.

- C. Samples should be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the utility and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable Categorical Pretreatment Standards. For other Significant Industrial Users, for which the utility has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).
- D. All sample results shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.
- E. If sampling performed by a user indicates a violation, the user shall notify the utility within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the initial and repeat analysis to the utility within thirty (30) days after becoming aware of the violation.
- F. Where applicable, the utility will follow the same procedures as outlined above for users.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 19, 11-21-00; AO No. 2012-77, § 20, 8-7-12)

Note— Formerly § 26.50.048.

26.50.300 - Sample analysis.

Sampling and analysis for the purposes of satisfying the requirements of this chapter shall be performed by the user and the utility in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the utility determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the EPA and the utility.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 19, 11-21-00)

Note— Formerly § 26.50.049.

26.50.310 - Confidentiality of information.

- A. Information and data furnished to the utility with respect to the nature and frequency of discharge will 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 utility that the release of such information will divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable state and municipal law.

- B. When requested by a user furnishing a report and after a determination of confidentiality, the portions of a report that may disclose trade secrets or secret processes will not be made available for inspection by the public but will be made available to governmental agencies immediately upon request for uses related to this chapter or the utility's NPDES permits, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 19, 11-21-00)

Note— Formerly § 26.50.050.

26.50.320 - Records retention.

- A. Except as provided in paragraph B, all users subject to this chapter shall retain, preserve, and make available for inspection and copying, for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, related to monitoring, sampling and chemical analyses made by or on behalf of a user in connection with its regulated discharge. This period of retention shall be extended when requested by the EPA Regional Administrator. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
- B. All records that pertain to matters that are the subject of administrative orders or any other enforcement or litigation activities regarding the user or the utility shall be retained and preserved by the user and the utility until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, or where the user has been notified of a longer retention period by the utility.

(AO No. 2000-129(S), § 20, 11-21-00; AO No. 2012-77, § 21, 8-7-12)

PART 4. - ENFORCEMENT

26.50.330 - Emergency suspension of service and permit.

- A. The general manager may suspend the wastewater service or the wastewater discharge permit of a user by informal notice when it appears to the utility that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, or substantial danger to the environment, interfere with the operation of the municipal sewerage system, or cause the utility to violate any condition of its NPDES discharge permits.
- B. Any user notified of the suspension of the utility's wastewater service shall immediately cease all discharges.
- C. Any user notified of the suspension of the user's wastewater discharge permit shall, within a reasonable period of time as determined by the utility, cease all discharges regulated under this chapter.
- D. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the general manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the municipal sewerage system, its receiving water, or endangerment to any individuals.

- E. The utility may reinstate the wastewater discharge permit or the wastewater service and terminate pending judicial proceedings upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger.

(AO No. 81-207; AO No. 86-118, 9-4-86; AO No. 86-119; AO No. 2000-129(S), § 21, 11-21-00)

Note— Formerly § 26.50.061.

26.50.340 - Revocation of permit.

- A. The utility may revoke the wastewater discharge permit of any user for good cause, including, but not limited to, the following reasons:
 - 1. Failure to factually report the wastewater constituents and characteristics of its discharge;
 - 2. Failure to report significant changes in wastewater constituents or characteristics;
 - 3. Failure to reapply for a wastewater discharge permit within the time period specified in section 26.50.250;
 - 4. Refusing reasonable access to the user's premises by representatives of the utility for the purpose of inspection or monitoring;
 - 5. Violating the conditions of a wastewater discharge permit or this chapter or any final judicial order entered with respect thereto;
 - 6. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - 7. Tampering with monitoring equipment;
 - 8. Failure to meet effluent limitations;
 - 9. Failure to pay fines;
 - 10. Failure to pay sewer charges;
 - 11. Failure to meet compliance schedules; or
 - 12. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- B. Any user whose wastewater discharge permit has been revoked shall, within a reasonable period of time as determined by the utility, cease all discharges regulated under this chapter.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 21, 11-21-00)

Note— Formerly § 26.50.062.

26.50.350 - Notice of violation.

- A. Whenever the utility finds that any user has violated or is violating this chapter, its wastewater discharge permit, or any prohibition, limitation or requirement contained in this chapter, the utility may issue a written notification of violation.
- B. Any user receiving a written notification of violation shall respond to the allegations contained therein within thirty (30) days.
 - 1. The response shall include a specific plan for the satisfactory correction of the violation and prevention of further violations.

2. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.
- C. Nothing in this section shall limit the authority of the utility to take any action, including emergency action or any other enforcement action, without first issuing a Notice of Violation.

(AO No. 2000-129(S), § 21, 11-21-00; AO No. 2012-77, § 22, 8-7-12)

26.50.360 - Administrative orders: Show cause, consent, compliance, and cease and desist.

- A. The utility may order a user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the general manager or a designee, pursuant to chapter 3.60, and show cause why a proposed enforcement action should not be taken.
1. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken.
 2. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be on the owner or authorized representative of the user.
 3. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- B. The utility may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to paragraphs 1 and 2 of section 26.50.360 C. and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.
- C. Whenever the utility finds that any user has violated or is violating this chapter, its wastewater discharge permit, or order issued hereunder, or any prohibition, limitation or requirement contained in this chapter, the utility may:
1. Issue a compliance order to the user responsible for the discharge directing that user to come into compliance within a specific time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer; or
 2. Issue a cease and desist order, directing the user to cease and desist all such violations and directing the user to:
 - a. Immediately comply with all requirements; and
 - b. Take such appropriate remedial or preventative actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
 3. Issuance of an administrative order shall not be a bar against, or prerequisite for, taking any other action against the user.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 21, 11-21-00; AO No. 2012-77, § 23, 8-7-12)

Note— Formerly § 26.50.063.

26.50.370 - Judicial proceedings.

Following the entry of any administrative order pursuant to section 26.50.360, with respect to the conduct of a user, the utility may commence an action for appropriate relief in the superior court including, but not limited to, a petition for a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of a wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. An application for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 21, 11-21-00; AO No. 2012-77, § 24, 8-7-12)

Note— Formerly § 26.50.064.

26.50.380 - Annual publication of users in significant noncompliance.

- A. The utility shall publish a notice annually, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs 3, 4, or 8 of this section) is in significant noncompliance if its violation meets one or more of the following criteria:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable TRC criteria (TRC = 1.4 for BOD, TSS, Total Oil and Grease, and 1.2 for all other pollutants except pH);
 3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the utility determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of utility personnel or the general public),
 4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the utility's exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 6. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; or
 8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the utility determines will adversely affect the operation or implementation of the local pretreatment program.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 22, 11-21-00; AO No. 2009-134, § 1, 1-12-10; AO No. 2012-77, § 25, 8-7-12)

Note— Formerly § 26.50.065.

26.50.390 - Right to administrative ruling or appeal.

A. As long as no administrative order of the Utility has been issued, any user or any interested party shall have the right to administrative procedures provided in:

1. The utility's tariff; or
2. In chapters 3.60, 14.30, and 14.40,

to challenge any grant or denial given under this chapter.

B. After exhausting administrative remedies, any user or interested party may appeal to the RCA or to the superior court, depending on appropriate jurisdiction over the matter.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 23, 11-21-00; AO No. 2005-107, § 6, 1-1-06; AO No. 2012-77, § 26, 8-7-12)

Note— Formerly § 26.50.066.

PART 5. - PENALTIES

26.50.400 - Civil penalties.

A. Any user who is found to have violated an administrative order of the utility or who has failed to comply with any provision of this chapter, the rules and regulations of the utility, or orders of any court of competent jurisdiction, or permits issued under this chapter, may be subjected to the imposition of a civil penalty of up to \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation. Civil penalties are covered by section 26.10.070 A. and section 14.60.030.

(AO No. 86-118, 9-4-86; AO No. 93-167(S-1), § 23, 4-13-94; AO No. 2000-129(S), § 25, 11-21-00; AO No. 2012-77, § 27, 8-7-12)

Note— Formerly § 26.50.071.

26.50.410 - Recovery of costs incurred by the utility.

A. Any user violating any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit of obstruction, or causes damage to or impairs the municipality's sewerage system, shall be liable to the utility for any expense, loss or damage caused by such violation or discharge including, but not limited to, reasonable attorneys' fees, costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of actual, incidental and consequential damages incurred by the municipality.

- B. The utility will bill the user for the costs incurred by the utility for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under sections 26.50.330 through 26.50.390.

(AO No. 86-118, 9-4-86; AO No. 86-218; AO No. 2000-129(S), §25, 11-21-00; AO No. 2012-77, § 28, 8-7-12)

Note— Formerly § 26.50.072.

26.50.420 - Criminal prosecution.

Any person who knowingly makes any false statement or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, or who willfully or negligently violates any provision of this chapter, may be punished under Title 8 of this code and the criminal laws of the state as well as being subjected to civil penalties and relief. Assessment of civil penalties under this chapter does not preclude criminal charges, prosecution or penalties under other provisions of this code or under state law.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 25, 11-21-00; AO No. 2014-42, § 52, 6-21-14)

Note— Formerly § 26.50.073.